



# CITY OF HAYWARD AGENDA REPORT

AGENDA DATE September 15, 1998

AGENDA ITEM \_\_\_\_\_

WORK SESSION ITEM (A) SH2

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** **ZONING ORDINANCE UPDATE - TEXT AMENDMENT NO. 98-140-04 - CITY OF HAYWARD, APPLICANT**

## **RECOMMENDATION:**

That the City Council make suggestions and comments on the issues being raised by the Planning Commission and staff as potential amendments to the Zoning Ordinance.

## **DISCUSSION:**

At a work session held by the Planning Commission on September 10, 1998, Commissioners discussed the following policy issues.

- **The possibility of requiring site plan review for proposed industrial developments that do not meet minimum development standards.**

One of the suggested changes to the Zoning Ordinance is to require site plan review for new industrial developments that do not meet minimum development standards and to provide input on what these standards should be. During the public comment portion of the meeting, industrial developer Sherman Balch urged the Planning Commission not to apply another layer of review to industrial development. He said that although he supports good industrial design, other methods might be employed such as deed restrictions or covenants. The consensus of Planning Commissioners was that there should be a provision for good design in the Industrial District but that the process to improve design should not slow the review-process. One Commissioner suggested looking at specific areas within Hayward where industrial development standards would be applied, and one Commissioner suggested looking at methods to expedite the process for approving industrial development.

- **Eliminating thrift stores, consignment stores and churches in the Central City area.**

The Planning Commission brought up several issues both in support and in opposition to the suggestion to eliminate thrift stores, consignment stores, and churches from the Central City area. Some commissioners recognized that elimination of these uses would be in keeping with the established goal for the downtown to create a vibrant retail center.

**Mayor and City Council  
Meeting of September 15, 1998**

One Commissioner said that the suggested amendment to eliminate thrift stores might be discriminatory in that these uses serve a need for a segment of the population who may be less fortunate than others. Another mentioned that it would be difficult to regulate consignment stores since some tend to carry high-end merchandise and others deal in goods more in keeping with thrift stores.

**. Providing for childcare opportunities in the Commercial Office District.**

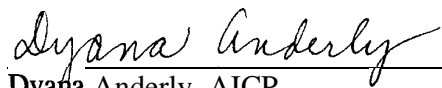
The proposed amendment to the Zoning Ordinance provides for child care as a use permitted upon approval of an administrative use permit. No objections were raised by Planning Commissioners to allow childcare in the Commercial Office District, and one Commissioner said she heartily supports childcare opportunities in Hayward. The consensus of the Planning Commission was that an administrative use permit should be required to ensure compatibility with adjacent uses and that the property under consideration can provide safe drop-off areas and adequate play areas. During the public comment portion of the work session, Michael Kaplan, a childcare provider, appeared in support of the amendment to allow child care in the Commercial Office District but objected to a discretionary review process by the City.

**. Allowing regionally serving commercial centers on parcels of at least four acres that are freeway-accessible in the Industrial District.**

Currently the Zoning Ordinance allows regionally serving commercial centers in the Industrial District on parcels that are at least eight acres. Staff has reviewed the potential for this type of development and has determined that reducing the minimum acreage to four would provide more opportunities for this type of development along Hayward's freeway frontages in the Industrial District.

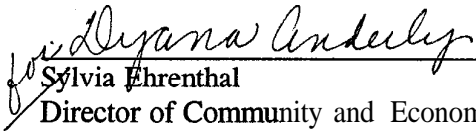
Planning Commissioners expressed a desire to devote more time to reviewing the Zoning Ordinance amendments and requested devoting an evening to the effort. Staff indicated that, following the City Council work session and meetings with the Chamber of Commerce and neighborhood groups, another work session would be held with the Planning Commission.

**Prepared by:**

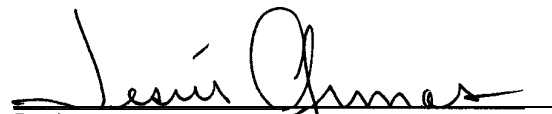
  
Dyana Anderly, AICP  
Development Review Services Administrator

**Mayor and City Council  
Meeting of September 15, 1998**

**Recommended by:**

  
Sylvia Ehrenthal  
Director of Community and Economic Development

**Approved by:**

  
Jesús Armas  
City Manager

**Exhibit:**

Planning Commission Staff Report, dated September 10, 1998



ITEM NO: Work Session

## AGENDA REPORT PLANNING COMMISSION ■ CITY OF HAYWARD

MEETING OF  
September 10, 1998

TO: Planning Commission

FROM: Charles P. Mullen, Associate Planner

SUBJECT: **ZONING ORDINANCE UPDATE - TEXT AMENDMENT NO. 98-140-04**  
**- CITY OF HAYWARD (APPLICANT)**

### RECOMMENDATION:

That the Planning Commission make suggestions and comments on the issues being raised by staff as potential amendments to the Zoning Ordinance.

### DISCUSSION:

The attached *Administrative Draft Zoning* Ordinance update reflects many comments and suggestions from City staff, the Planning Commission and City Council made over the past two years. While it would be too difficult to itemize every change to the Zoning Ordinance, a general summary of the substantive changes and revisions proposed by staff is provided below. In addition staff is seeking Planning Commission comment on several issues listed below such as Site Plan Review of all industrial buildings, a prohibition on use of shipping containers for outside storage and on revised livestock regulations.

### Focus Issues

- It is recommended that "Thrift Stores" and "Religious Facilities" be deleted from the Central City-Commercial and Plaza (CC-C & CC-P) Districts. Staff also recommends specifically disallowing "Consignment Stores" in the CC-C & CC-P Districts.
- A limit to the height of buildings in the CC-C district around the new City Hall building is recommended. Currently there is a provision to allow an additional story beyond the maximum height limit if the building lot coverage is reduced. It is recommended that this extra height allowance not be available to buildings immediately surrounding City Hall. This change would require a revision to the "Building Heights" section of the Downtown Hayward Design Plan. Necessary amendments to the downtown plan would be processed concurrently with the Zoning Ordinance.
- The use of Floor Area Ratio (FAR) standards to regulate height, bulk and density of residential buildings has come up in public hearing discussions. Staff believes the use of design criteria (already in place) and setback standard (proposed below) are easier to use and can achieve the purposes of a FAR.

## Zoning Ordinance Update – Text Amendment No. 98-140-04; City of Hayward (Applicant)

- A proposed recommendation to the single-family residential district would require that at least one side of a second story single-family home be stepped in 5 feet.
- It is recommended that the Planning Commission provide feedback on eliminating the truck parking requirement for restaurants in the Industrial District. Staff has observed that this requirement discourages many restaurants from locating in the Industrial District.
- It is recommended that the Planning Commission provide feedback on requiring Site Plan Review of Industrial buildings to promote quality building designs, particularly at prominent and highly visible locations in the City. Currently only industrial buildings for those uses requiring an Administrative or Conditional Use Permit allow the City to review the building design.
- Staff is currently reviewing state law regarding regulation of group homes and residential family care facilities. Local regulation of some residential care facilities has been preempted by state law, however, there does appear to be room to regulate certain types of licensed residential care facilities. Recommendations in this area may be presented with the final Zoning Ordinance version or sometime soon thereafter.

### New Sections and Zoning Districts:

- A “Public Facilities” zoning district has been created to be consistent with the General Policies Plan and Map. Eventually, all public facilities, such as post offices, schools, CSUH, and City Hall can be identifiably zoned “PF” on the Zoning Map.
- Per the South of Route 92 Specific Plan, four new zoning districts were created and are included in this document (e.g., the Commercial Retail, Business Park, Light Manufacturing, Planning/Research and Development and **Open Space** districts). The new districts have been slightly modified and reformatted to be consistent with other reformatted districts.

### Design and Performance Standards:

- Design and Performance Standards have been updated and expanded to include frequently used general regulation requirements and other frequently applied standards.
- Several specific recommended additions to the commercial and industrial districts design and performance standards include the following:
  - ✓ Criteria and standards for detached accessory buildings, including but not limited to **carports**, garages, greenhouses, patio covers, sheds, etc.
  - ✓ Criteria and standards for accessory structures, including but not limited to arbors, rain and shade covers and tents, trellises, etc.
  - ✓ Criteria and standards for decks and ramps.
  - ✓ Criteria and standards for drive-through Coffee/Esspresso Shops.

Commercial Districts:

- A change requiring an Administrative Use for a “Check Cashing Store” rather than allowing it to remain as a Primary Use is proposed. This would allow staff to review for land use compatibility issues.
- The addition of day care centers to the Commercial Office (CO) District has been requested by a private party to be added to the list of primary uses. While staff supports the addition of day care centers in the CO District we believe it should be subject to an Administrative Use Permit, to allow review for land use compatibility issues.

Industrial District:

- Retail sales of commodities produced or distributed on-site would be allowed with no permit, up to 10% of floor area (currently requires Administrative Use Permit).
- Weekend retail sales of goods manufactured or warehoused on the premises are proposed to be allowed year-round (currently only 4 times/year).
- RV Storage and Public Storage facilities are proposed to require a Conditional Use Permit (currently, RV Storage requires an Administrative Use Permit as “outdoor storage”, and Public Storage is principally permitted as “warehousing”).
- Regional marketing retail uses are proposed to be permitted on a 4-acre parcel visible from 880 or 92 with a Conditional use Permit (currently is 8 acres).
- Plant nurseries, (plants) are proposed to be permitted on a +2-acre parcel located on an arterial street with a Conditional Use Permit (currently not allowed).
- It is recommended that the Planning Commission provide feedback on prohibiting the use of shipping storage containers for outside storage (currently the Ordinance is silent on this issue).

Airport Terminal District

- For the “Airport Terminal - Commercial” (AT-C) zone, a broader use list (including retailing, manufacturing and warehousing) has been requested by a private party. Expansion of retail uses is supported but not manufacturing and warehousing. Staff believes that the sites in this zone are too visible along Hesperian Boulevard and are best devoted to office, research/development, and retail uses. However, the “electronics assembly” use that is currently listed could remain. Additional retail uses are proposed to be added to the AT-C.

Livestock and Animal Regulations:

The Hayward Highlands Neighborhood Plan, adopted by the City Council on February 24, 1998, addresses the issue of livestock regulations and contains the following strategy concerning the keeping of livestock:

***Strategy 4.1 Recommend that the City Council adopt guidelines for the keeping of livestock in the residential zones of the City of Hayward and maintain current legal, non-conforming uses.***

The Hayward Highlands Task Force recommended standards and guidelines to provide for greater control of livestock uses in these areas. Given the existence of other areas in the City where application of such guidelines might be appropriate, the City Council directed staff to review the Task Force recommendations and prepare possible revisions to the existing livestock regulations for further consideration that would have city-wide application.

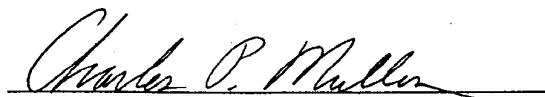
Staff concluded that greater clarification is needed in existing regulations contained in the Zoning Ordinance. In addition, staff found that some of the features contained in the animal regulations of other jurisdictions may be appropriate for inclusion in the Animal Control Regulations section of the Hayward Municipal Code. However, any revisions to regulations pertaining to household pets and other domestic animals will require further discussion and analysis and will be processed separately.

The proposed amendments to livestock regulations as contained in the Zoning Ordinance serve to clarify the definitions of livestock and other animals covered by existing ordinances, revise the types of permits required for the keeping of certain animals, allow consideration of additional residential zoning districts for the keeping of certain animals, and add specific guidelines for the maintenance of livestock and other animals. One of the more significant changes would allow for the keeping of medium livestock (e.g., sheep and goats) and large livestock (e.g., horses and cows) in the RS zoning district, on at least half-acre parcels, under certain conditions and with approval of an Administrative Use Permit. Another significant change would reduce the minimum parcel size for the keeping of medium livestock from 20,000 square feet to 10,000 square feet. Other changes primarily involve the addition or clarification of minimum requirements for the maintenance of livestock.


The primary area of disagreement centers on staffs continued commitment to requiring an Administrative Use Permit for the keeping of livestock in residential zones. Livestock owners believe that adherence to the proposed standards and guidelines for the keeping and maintenance of animals will be sufficient. There is also disagreement on the need for specific limits governing the maximum number of animals that can be kept on a parcel (e.g., one horse per 20,000 square feet of land). Livestock owners believe that a minimum parcel size, along with standards for minimum available open area, should be sufficient.

A work session is being held with City Council on September 15 to discuss amendments to the Zoning Ordinance. Staff will also be arranging meetings with the Chamber of Commerce and other persons/agencies/business who would be affected by Zoning Ordinance amendments.'

Prepared by:

  
Charles P. Mullen, AICP  
Associate Planner

Recommended by:

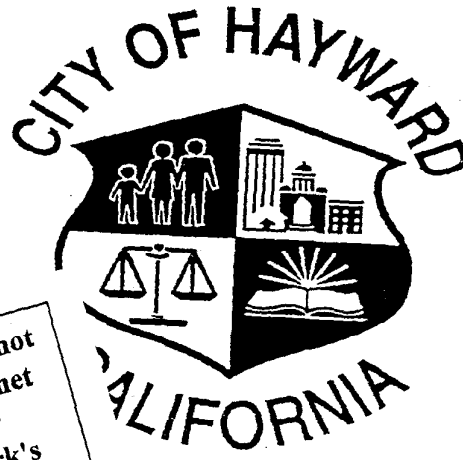
  
Dyana Anderly, AICP  
Development Review Services Administrator

Attached Exhibits:

Zoning Ordinance - Administrative Draft Clean Copy Version June 1998  
Zoning Ordinance - Administrative Strike-Out Version June 1998  
Draft Livestock and Animal Regulations (located at the inside binder pocket)

K:\HOME\CharlieM\ZONING ORDINANCE\Staff Reports - 98\PC Report - Work Session - 9-10-98.doc

9/4/98 1:39 PM



Due to the length of this document it is not available as an attachment for internet purposes. It is, however, available for review at the Main Library, City Clerk's Office, and in the Development Review Services Office.

# ZONING ORDINANCE

**Administrative Draft  
Strike-Out Version  
June 1998**



# **ZONING ORDINANCE**

**Administrative Draft  
Clean Copy Version  
June 1998**

---

# **CITY. OF HAYWARD ZONING ORDINANCE**

ORDINANCE NO. 98-  
(Adopted \_\_\_\_\_)

Supersedes:  
Ordinance No. 93-12, Adopted May 3, 1993 and subsequent amendments.

AN ORDINANCE OF THE CITY OF HAYWARD PROVIDING FOR THE USE OF LAND,  
ESTABLISHING ZONING DISTRICTS, AND REGULATING THE USE OF LAND AND  
BUILDINGS THEREON, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

Article 1, Chapter 10  
of the Hayward Municipal Code



SEC. 10-1.000	DEFINITIONS.....	1
SEC. 10-1. 100	GENERAL PROVISIONS .....	1
SEC. 10-1.105	TITLE. ....	1
SEC. 10-1. 110	PURPOSE. ....	1
SEC. 10-1. 115	AUTHORITY AND GENERAL PLAN CONSISTENCY. ....	2
SEC. 10-1. 120	REVIEWING AUTHORITIES. ....	2
SEC. 10-1. 125	ESTABLISHMENT OF ZONING DISTRICTS. ....	3
SEC 10-1. 130	ESTABLISHMENT OF ZONING DISTRICT MAPS. ....	4
SEC. 10-1.135	EXCEPTIONS. ....	4
SEC. 10-1. 140	EXCLUSIONARY ZONING ORDINANCE. ....	4
SEC. 10-1. 145	ACCESSIBILITY FOR PERSONS WITH PHYSICAL DISABILITIES .....	4
SEC. 10-1.150	NUISANCE. ....	4
SEC. 10-1. 155	PREZONING OR INTERIM ZONING OF UNINCORPORATED LANDS. ....	4
SEC. 10-1.160	RELATIONSHIP TO OTHER REGULATIONS.....	5
SEC. 10-1. 165	SEVERABILITY. ....	5
SEC. 10-1. 170	UNCERTAINTY OF BOUNDARIES. ....	5
SEC. 10-1. 175	USES/ACTIVITIES CONDUCTED INDOORS. ....	5
SEC. 10-1.180	VIOLATIONS OF ZONING ORDINANCE .....	5
SEC. 10-1.200	SINGLE-FAMILY RESIDENTIAL DISTRICT (RS).....	7
SEC. 10-1.205	PURPOSE. ....	7
SEC. 10-1.210	SUBDISTRICTS. ....	7
SEC. 10-1.215	USES PERMITTED. ....	7
SEC. 10-1.220	CONDITIONALLY PERMITTED USES. ....	8
SEC. 10-1.225	LOT REQUIREMENTS. ....	8
SEC. 10-1.230	YARD REQUIREMENTS.....	9
SEC. 10-1.235	HEIGHT LIMIT. ....	9
SEC. 10-1.240	SITE PLAN REVIEW REQUIRED.....	9
SEC. 10-1.245	MINIMUM DESIGN AND PERFORMANCE STANDARDS. ....	10
SEC. 10-1.300	RESIDENTIAL NATURAL PRESERVATION DISTRICT (RNP).....	17
SEC. 10-1.305	PURPOSE.....	17
SEC. 10-1.310	SUBDISTRICTS.....	17
SEC. 10-1.315	USES PERMITTED. ....	17
SEC. 10-1.320	CONDITIONALLY PERMITTED USES. ....	18
SEC. 10-1.325	LOT REQUIREMENTS. ....	18
SEC. 10-1.330	YARD REQUIREMENTS.....	19
SEC. 10-1.335	HEIGHT LIMIT. ....	19
SEC. 10-1.340	SITE PLAN REVIEW REQUIRED.....	19
SEC. 10-1.345	MINIMUM DESIGN AND PERFORMANCE STANDARDS. ....	19
SEC. 10-1.400	MEDIUM DENSITY RESIDENTIAL DISTRICT (RM).....	21

SEC. 10-1.405 PURPOSE.....	21
SEC. 10-1.410 SUBDISTRICTS.....	21
SEC. 10-1.415 USES PERMITTED.....	21
SEC. 10-1.420 CONDITIONALLY PERMITTED USES.....	22
SEC. 10-1.325 LOT REQUIREMENTS.....	22
SEC. 10-1.430 YARD REQUIREMENTS.....	23
SEC. 10-1.226 SEC. 10-1.435 HEIGHT LIMIT.....	23
SEC. 10-1.227 SEC. 10-1.435 SITE PLAN REVIEW REQUIRED.....	24
SEC. 10-1.445 MINIMUM DESIGN AND PERFORMANCE STANDARDS.....	24
 SEC. 10-1.500 HIGH DENSITY RESIDENTIAL DISTRICT (RH).....	 31
SEC. 10-1.505 PURPOSE.....	31
SEC. 10-1.510 SUBDISTRICTS.....	31
SEC. 10-1.515 USES PERMITTED.....	31
SEC. 10-1.520 CONDITIONALLY PERMITTED USES.....	32
SEC. 10-1.525 LOT REQUIREMENTS.....	32
SEC. 10-1.530 YARD REQUIREMENTS.....	33
SEC. 10-1.535 HEIGHT LIMIT.....	33
SEC. 10-1.540 SITE PLAN REVIEW REQUIRED.....	33
SEC. 10-1.545 MINIMUM DESIGN AND PERFORMANCE STANDARDS.....	33
 SEC. 10-1.600 RESIDENTIAL-OFFICE DISTRICT (RO).....	 41
SEC. 10-1.605 PURPOSE.....	41
SEC. 10-1.610 SUBDISTRICTS.....	41
SEC. 10-1.615 USES PERMITTED IN THE RO DISTRICT.....	41
SEC. 10-1.620 CONDITIONALLY PERMITTED USES.....	42
SEC. 10-1.625 LOT REQUIREMENTS.....	43
SEC. 10-1.630 YARD REQUIREMENTS.....	43
SEC. 10-1.635 HEIGHT LIMIT.....	43
SEC. 10-1.640 SITE PLAN REVIEW REQUIRED.....	43
SEC. 10-1.645 MINIMUM DESIGN AND PERFORMANCE STANDARDS.....	44
 SEC. 10-1.700 MOBILE HOME PARK DISTRICT (MH).....	 45
SEC. 10-1.705 PURPOSE.....	45
SEC. 10-1.710 SUBDISTRICTS.....	45
SEC. 10-1.715 USES PERMITTED.....	45
SEC. 10-1.720 CONDITIONALLY PERMITTED USES.....	45
SEC. 10-1.725 LOT REQUIREMENTS.....	45
SEC. 10-1.255 SEC. 10-1.730 YARD REQUIREMENTS.....	46
SEC. 10-1.256 SEC. 10-1.735 HEIGHT LIMIT.....	46
SEC. 10-1.740 SITE PLAN REVIEW REQUIRED.....	46
SEC. 10-1.745 MINIMUM DESIGN AND PERFORMANCE STANDARDS.....	46
 SEC. 10-1.800 NEIGHBORHOOD COMMERCIAL DISTRICT (CN).....	 47
SEC. 10-1.805 PURPOSE.....	47
SEC. 10-1.810 SUBDISTRICTS.....	47

SEC. 10-1. 820	CONDITIONALLY PERMITTED USES.	49
SEC. 10-1.825	LOT REQUIREMENTS	50
SEC. 10-1.830	YARD REQUIREMENTS	50
SEC. 10-1.835	HEIGHT LIMIT	51
SEC. 10-1.840	SITE PLAN REVIEW REQUIRED	51
SEC. 10-1.845	MINIMUM DESIGN AND PERFORMANCE STANDARDS.	51
SEC. 10-1.900	NEIGHBORHOOD COMMERCIAL-RESIDENTIAL DISTRICT (CN-R)	63
SEC. 10-1.905	PURPOSE.	63
SEC. 10-1.910	SUBDISTRICTS	63
SEC. 10-1.915	USES PERMITTED	63
SEC. 10-1.920	CONDITIONALLY PERMITTED USES	65
SEC. 10-1.925	LOT REQUIREMENTS.	66
SEC. 10-1.930	YARD REQUIREMENTS	66
SEC. 10-1.935	HEIGHT LIMIT	67
SEC. 10-1.940	SITE PLAN REVIEW REQUIRED.	67
SEC. 10-1.945	MINIMUM DESIGN AND PERFORMANCE STANDARDS.	67
SEC. 10-1.1000	GENERAL COMMERCIAL DISTRICT (CG)	69
SEC. 10-1.1005	PURPOSE	69
SEC. 10-1.1010	SUBDISTRICTS	69
SEC. 10-1.1015	USES PERMITTED	69
SEC. 10-1.1020	CONDITIONALLY PERMITTED USES.	71
SEC. 10-1.1025	LOT REQUIREMENTS.	73
SEC. 10-1.1030	YARD REQUIREMENTS	73
SEC. 10-1.1035	HEIGHT LIMIT.	73
SEC. 10-1.1040	SITE PLAN REVIEW REQUIRED.	73
SEC. 10-1.1045	MINIMUM DESIGN AND PERFORMANCE STANDARDS.	74
SEC. 10-1.1100	COMMERCIAL OFFICE DISTRICT (CO)	85
SEC. 10-1.1105	PURPOSE	85
SEC. 10-1.1110	SUBDISTRICTS	85
SEC. 10-1.1115	USES PERMITTED	85
SEC. 10-1.1120	CONDITIONALLY PERMITTED USES	86
SEC. 10-1.1125	LOT REQUIREMENTS.	87
SEC. 10-1.1130	YARD REQUIREMENTS.	88
SEC. 10-1.1135	HEIGHT LIMIT.	88
SEC. 10-1.1140	SITE PLAN REVIEW REQUIRED.	88
SEC. 10-1.1145	MINIMUM DESIGN AND PERFORMANCE STANDARDS.	88
SEC. 10-1.1200	LIMITED ACCESS COMMERCIAL DISTRICT (CL)	91
SEC. 10-1.1205	PURPOSE	91
SEC. 10-1.1210	SUBDISTRICTS.	91
SEC. 10-1.1215	USES PERMITTED.	91
SEC. 10-1.1220	CONDITIONALLY PERMITTED USES	92
SEC. 10-1.1225	LOT REQUIREMENTS.	93

SEC. 10-1.1230 YARD REQUIREMENTS.....	93
SEC. 10-1. 1235 HEIGHT LIMIT.....	94
SEC. 10-1.1240 SITE PLAN REVIEW REQUIRED.....	94
SEC. 10-1. 1245 MINIMUM DESIGN AND PERFORMANCE STANDARDS.....	94
 SEC. 10-1. 1300 CENTRAL BUSINESS DISTRICT (CB) .....	95
SEC. 10-1.1305 PURPOSE.....	95
SEC. 10-1.1310 SUBDISTRICTS.....	95
SEC. 10-1.1315 USES PERMITTED.....	95
SEC. 10-1.1320 CONDITIONALLY PERMITTED USES.....	97
SEC. 10-1. 1325 LOT REQUIREMENTS.....	98
SEC. 10-1. 1330 YARD REQUIREMENTS.....	99
SEC. 10-1. 1335 HEIGHT LIMIT.....	99
SEC. 10-1. 1340 SITE PLAN REVIEW REQUIRED.....	99
SEC. 10-1. 1345 MINIMUM DESIGN AND PERFORMANCE STANDARDS.....	99
 SEC. 10-1.1400 COMMERCIAL RETAIL DISTRICT (CR).....	101
SEC. 10-1. 1405 PURPOSE.....	101
SEC. 10-1. 1410 SUBDISTRICTS.....	101
SEC. 10-1. 1415 USES PERMITTED.....	101
SEC. 10-1. 1420 CONDITIONALLY PERMITTED USES.....	102
SEC. 10-1. 1425 LOT REQUIREMENTS.....	103
SEC. 10-1. 1430 YARD REQUIREMENTS.....	103
SEC. 10-1. 1435 HEIGHT LIMIT.....	103
SEC. 10-1.1440 SITE PLAN REVIEW REQUIRED.....	104
SEC. 10-1. 1445 MINIMUM DESIGN AND PERFORMANCE STANDARDS.....	104
 SEC. 10-1. 1500 CENTRAL CITY DISTRICT (CC).....	105
SEC. 10-1.1505 PURPOSE.....	105
SEC. 10-1. 1510 SUBDISTRICTS.....	106
 SEC. 10-1.1520 CENTRAL CITY - COMMERCIAL SUBDISTRICT (CC-C).....	107
SEC. 10-1.1521 CC-C PURPOSE.....	107
SEC. 10-1.1522 CC-C PERMITTED USES.....	107
SEC. 10-1. 1523 CC-C CONDITIONALLY PERMITTED USES.....	109
SEC. 10-1. 1524 CC-C LOT REQUIREMENTS.....	110
SEC. 10-1. 1525 CC-C YARD REQUIREMENTS.....	111
SEC. 10-1.1526 CC-C HEIGHT LIMIT.....	111
 SEC. 10-1.1530 CENTRAL CITY - RESIDENTIAL SUBDISTRICT (CC-R).....	113
SEC. 10-1. 1531 CC-R PURPOSE.....	113
SEC. 10-1. 1532 CC-R PERMITTED USES.....	113
SEC. 10-1. 1533 CC-R CONDITIONALLY PERMITTED USES.....	114
SEC. 10-1. 1534 CC-R LOT REQUIREMENTS.....	116
SEC. 10-1. 1535 CC-R YARD REQUIREMENTS.....	116

SEC. 10-I.1536 CC-R HEIGHT LIMIT. ....	116
SEC. 10-I. 1540 CENTRAL CITY - PLAZA SUBDISTRICT (CC-P) .....	118
SEC. 10-I. 1541 CC-P PURPOSE. ....	118
SEC. 10-I. 1542 CC-P PERMITTED USES. ....	118
SEC. 10-I. 1543 CC-P CONDITIONALLY PERMITTED USES. ....	120
SEC. 10-I. 1544 CC-P LOT REQUIREMENTS. ....	121
SEC. 10-I. 1545 CC-P YARD REQUIREMENTS. ....	121
SEC. 10-I.1546 CC-P HEIGHT LIMIT. ....	122
SEC. 10-I.1550 SITE PLAN REVIEW REQUIRED FOR CC-C, CC-R, AND CC-P DISTRICTS. ....	123
SEC. 10-I.1555 MINIMUM DESIGN AND PERFORMANCE STANDARDS FOR CC-C, CC-R, AND CC-P SUBDISTRICTS. ....	123
SEC. 10-I.1600 INDUSTRIAL DISTRICT (I). ....	137
SEC. 10-I. 1605 PURPOSE. ....	137
SEC. 10-I. 1610 SUBDISTRICTS. ....	137
SEC. 10-I.1615 USES PERMITTED. ....	137
SEC. 10-I. 1620 CONDITIONALLY PERMITTED USES. ....	139
SEC. 10-I.1625 LOT REQUIREMENTS. ....	141
SEC. 10-I. 1630 YARD REQUIREMENTS. ....	141
SEC. 10-I. 1635 HEIGHT LIMIT. ....	141
SEC. 10-I. 1640 SITE PLAN REVIEW REQUIRED. ....	141
SEC. 10-I. 1645 MINIMUM DESIGN AND PERFORMANCE STANDARDS. ....	142
SEC. 10-I. 1700 BUSINESS PARK DISTRICT (BP). ....	151
SEC. 10-I. 1705 PURPOSE. ....	151
SEC. 10-I. 1710 SUBDISTRICTS. ....	151
SEC. 10-I.1715 USES PERMITTED. ....	151
SEC. 10-I.1720 CONDITIONALLY PERMITTED USES. ....	152
SEC. 10-I. 1725 LOT REQUIREMENTS. ....	152
SEC. 10-I. 1730 YARD REQUIREMENTS. ....	152
SEC. 10-I. 1735 HEIGHT LIMIT. ....	152
SEC. 10-I.1740 SITE PLAN REVIEW REQUIRED. ....	152
SEC. 10-I. 1745 MINIMUM DESIGN AND PERFORMANCE STANDARDS. ....	152
SEC. 10-I. 1800 LIGHT MANUFACTURING, PLANNING/RESEARCH AND DEVELOPMENT DISTRICT (LM). ....	155
SEC. 10-I.1805 PURPOSE. ....	155
SEC. 10-I.1810 SUBDISTRICTS. ....	155
SEC. 10-I.1815 USES PERMITTED. ....	155
SEC. 10-I. 1820 CONDITIONALLY PERMITTED USES. ....	156
SEC. 10-I.1825 LOT REQUIREMENTS. ....	156
SEC. 10-I.1830 YARD REQUIREMENTS. ....	157
SEC. 10-I.1835 HEIGHT LIMIT. ....	157
SEC. 10-I. 1840 SITE PLAN REVIEW REQUIRED. ....	157

SEC. 10-1. 1845 MINIMUM DESIGN AND PERFORMANCE STANDARDS. ....	157
SEC. 10-1. 1900 AIR TERMINAL DISTRICT (AT) .....	159
SEC. 10-1. 1905 PURPOSE .....	160
SEC. 10-1. 1910 SUBDISTRICTS. ....	160
SEC. 10-1. 1920 AIR TERMINAL-OPERATIONS SUBDISTRICT (AT-O) .....	* 161
SEC. 10-1. 1921 AT-O PURPOSEI.....	161
SEC. 10-1. 1922 AT-O USES PERMITTED .....	161
SEC. 10-1. 1923 AT-O CONDITIONALLY PERMITTED USES. ....	161
SEC. 10-1.1924 AT-O LOT REQUIREMENTS.....	161
SEC. 10-1.1925 AT-O YARD REQUIREMENTS.....	161
SEC. 10-1. 1926 AT-O HEIGHT LIMIT. ....	162
SEC. 10-1. 1930 AIR TERMINAL-INDUSTRIAL PARR SUBDISTRICT (AT-IP) .....	163
SEC. 10-1. 1931 AT-IP PURPOSE. ....	163
SEC. 10-1. 1932 AT-IP USES PERMITTED.....	163
SEC. 10-1. 1933 AT-IP CONDITIONALLY PERMITTED USES .....	164
SEC. 10-1. 1934 AT-IP LOT REQUIREMENTS.....	165
SEC. 10-1.1935 AT-IP YARD REQUIREMENTS. ....	165
SEC. 10-1. 1936 AT-IP HEIGHT LIMIT.....	165
SEC. 10-1. 1940 AIR TERMINAL-AVIATION COMMERCIAL SUBDISTRICT (AT-AC) .....	167
SEC. 10-1.1941 AT-AC PURPOSE.....	167
SEC. 10-1.1942 AT-AC USES PERMITTED. ....	167
SEC. 10-1. 1943 AT-AC CONDITIONALLY PERMITTED USES. ....	167
SEC. 10-1. 1944 AT-AC LOT REQUIREMENTS. ....	168
SEC. 10-1. 1945 AT-AC YARD REQUIREMENTS. ....	169
SEC. 10-1. 1946 AT-AC HEIGHT LIMIT .....	169
SEC. 10-1. 1950 AIR TERMINAL-COMMERCIAL SUBDISTRICT (AT-C) .....	170
SEC. 10-1. 1950 AT-C PURPOSE .....	170
SEC. 10-1.1951 AT-C USES PERMITTED.. ....	170
SEC. 10-1. 1953 AT-C CONDITIONALLY PERMITTED USES .....	171
SEC. 10-1.1954 AT-C LOT REQUIREMENTS.. ....	171
SEC. 10-1.1955 AT-C YARD REQUIREMENTS .....	172
SEC. 10-1. 1956 AT-C HEIGHT LIMIT. ....	172
SEC. 10-1. 1960 AIR TERMINAL-RECREATIONAL SUBDISTRICT (AT-R).....	173
SEC. 10-1. 1961 AT-R PURPOSE.....	173
SEC. 10-1. 1962 AT-R USES PERMITTED .....	173
SEC. 10-1.1965 AT-R YARD REQUIREMENTS. ....	174
SEC. 10-1.1966 AT-R HEIGHT LIMIT. ....	174

SEC. 10-I. 1970 AIR TERMINAL-MEDIUM DENSITY RESIDENTIAL SUBDISTRICT (AT-RM).....	175
SEC. 10-I. 1971 AT-RM PURPOSE.....	175
SEC. 10-I. 1972 AT-RM USES PERMITTED.....	175
SEC. 10-I. 1973 AT-RM CONDITIONALLY PERMITTED USES.....	175
SEC. 10-I. 1974 AT-RM LOT REQUIREMENTS.....	175
SEC. 10-I. 1975 AT-RM YARD REQUIREMENTS.....	176
SEC. 10-I. 1976 AT-RM HEIGHT LIMIT.....	176
SEC. 10-I. 1980 SITE PLAN REVIEW REQUIRED.....	177
SEC. 10-I. 1985 MINIMUM DESIGN AND PERFORMANCE.....	177
 SEC. 10-I. 2000 AGRICULTURAL DISTRICT (A).....	185
SEC. 10-I. 2005 PURPOSE.....	185
SEC. 10-I. 2010 SUBDISTRICTS.....	185
SEC. 10-I. 2015 USES PERMITTED.....	185
SEC. 10-I. 2020 CONDITIONALLY PERMITTED USES.....	186
SEC. 10-I. 2025 LOT REQUIREMENTS.....	187
SEC. 10-I. 2030 YARD REQUIREMENTS.....	187
SEC. 10-I. 2035 HEIGHT LIMIT.....	187
SEC. 10-I. 2040 SITE PLAN REVIEW REQUIRED.....	188
SEC. 10-I. 2045 MINIMUM DESIGN AND PERFORMANCE STANDARDS.....	188
 SEC. 10-I. 2100 FLOOD PLAIN DISTRICT (FP).....	189
SEC. 10-I. 2105 PURPOSE.....	189
SEC. 10-I. 2110 SUBDISTRICTS.....	189
SEC. 10-I. 2115 USES PERMITTED.....	189
SEC. 10-I. 2120 CONDITIONALLY PERMITTED USES.....	190
SEC. 10-I. 2125 LOT REQUIREMENTS.....	190
SEC. 10-I. 2130 YARD REQUIREMENTS.....	190
SEC. 10-I. 2135 HEIGHT LIMIT.....	191
SEC. 10-I. 2140 SITE PLAN REVIEW REQUIRED.....	191
SEC. 10-I. 2145 MINIMUM DESIGN AND PERFORMANCE STANDARDS.....	191
 SEC. 10-I. 2200 OPEN SPACE/PARKS AND RECREATION DISTRICT (OS).....	193
SEC. 10-I. 2205 PURPOSE.....	193
SEC. 10-I. 2210 SUBDISTRICTS.....	193
SEC. 10-I. 2215 USES PERMITTED.....	193
SEC. 10-I. 2220 CONDITIONALLY PERMITTED USES.....	194
SEC. 10-I. 2225 LOT REQUIREMENTS.....	194
SEC. 10-I. 2230 YARD REQUIREMENTS.....	194
SEC. 10-I. 2235 HEIGHT LIMIT.....	194
SEC. 10-I. 2240 SITE PLAN REVIEW REQUIRED.....	195
SEC. 10-I. 2245 MINIMUM DESIGN AND PERFORMANCE STANDARDS.....	195
 SEC. 10-I. 2300 PUBLIC FACILITIES DISTRICT (PF).....	197
SEC. 10-I. 2305 PURPOSE.....	197

SEC. 10-1.2310 SUBDISTRICTS. ....	197'
SEC. 10-1.2315 USES PERMITTED .....	197
SEC. 10-1.2320 CONDITIONALLY PERMITTED USES IN THE PF DISTRICT. ....	197
SEC. 10-1.2325 LOT REQUIREMENTS .....	198
SEC. 10-1.2330 YARD REQUIREMENTS. ....	198
SEC. 10-1.2335 HEIGHT LIMIT .....	198
SEC. 10-1.2340 SITE PLAN REVIEW REQUIRED .....	198
SEC. 10-1.2345 MINIMUM DESIGN AND PERFORMANCE STANDARDS. ....	198
 SEC. 10-1.2400 SPECIAL LOT STANDARDS COMBINING DISTRICT (B). ....	 199
SEC. 10-1.2405 PURPOSE .....	199
SEC. 10-1.2410 SUBDISTRICTS. ....	199
SEC. 10-1.2425 USES PERMITTED .....	199
SEC. 10-1.2430 CONDITIONALLY PERMITTED USES .....	199
SEC. 10-1.2435 LOT REQUIREMENTS .....	199
SEC. 10-1.2430 YARD REQUIREMENTS. ....	199
SEC. 10-1.2435 HEIGHT LIMIT OF DISTRICT. ....	199
SEC. 10-1.2440 SITE PLAN REVIEW REQUIRED .....	200
SEC. 10-1.2445 MINIMUM DESIGN AND PERFORMANCE STANDARDS. ....	200
 SEC. 10-1.2500 PLANNED DEVELOPMENT DISTRICT (PD) .....	 203
SEC. 10-1.2505 PURPOSE .....	203
SEC. 10-1.2510 USES PERMITTED .....	203
SEC. 10-1.2520 MINIMUM SITE. ....	204
SEC. 10-1.2525 STANDARDS OF DEVELOPMENT. ....	204
SEC. 10-1.2530 APPLICATION AND SUBMITTAL. ....	204
SEC. 10-1.2535 PRELIMINARY DEVELOPMENT PLAN .....	205
SEC. 10-1.2540 FINDINGS REQUIRED. ....	205
SEC. 10-1.2540 PLANNING COMMISSION ACTION. ....	206
SEC. 10-1.2545 CITY COUNCIL ACTION .....	206
SEC. 10-1.2550 PRECISE DEVELOPMENT PLAN APPROVAL. ....	206
SEC. 10-1.2555 MODIFICATION .....	207
SEC. 10-1.2560 TERMINATION .....	207
SEC. 10-1.2565 EXTENSION. ....	207
SEC. 10-1.2570 PLANNED DEVELOPMENT FOR CONDOMINIUM, COMMUNITY APARTMENT HOUSE, STOCK COOPERATIVE OR ANY OTHER TYPE SUBDIVISION. ....	  207
 SEC. 10-1.2600 SPECIAL DESIGN OVERLAY DISTRICT (SD) .....	 * 209
SEC. 10-1.2605 PURPOSE .....	209
 SEC. 10-1.2610 "B" STREET SPECIAL DESIGN STREETCAR DISTRICT (SD-1). ....	 209
 SEC. 10-1.2615 MISSION CORRIDOR SPECIAL DESIGN DISTRICT (SD-2). ....	 210

SEC. 10-1.2620 COTTAGE SPECIAL DESIGN DISTRICT (SD-3) .....	211
SEC. 10-1.2700 GENERAL REGULATIONS .....	213
SEC. 10-1.2705 PURPOSE .....	213
SEC. 10-1.2710 CERTAIN USES NOT PERMITTED. ....	213
SEC. 10-1.2715 CERTAIN USES PERMITTED.....	214
SEC. 10-1.2720 SPECIAL LOT REQUIREMENTS. ....	214
SEC. 10-1.2725 SPECIAL YARD REQUIREMENTS. ....	215
SEC. 10-1.2730 SPECIAL HEIGHT REQUIREMENTS.....	218
SEC. 10-1.2735 SPECIAL STANDARDS AND CONDITIONS FOR CERTAIN USES.....	218
SEC. 10-1.2800 ADMINISTRATION AND ENFORCEMENT.....	235
SEC. 10-1.2805 ADMINISTRATION AND ENFORCEMENT OFFICER - DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT/PLANNING DIRECTOR. ....	235
SEC. 10-1.2810 ZONING COMPLIANCE .....	235
SEC. 10-1.2815 APPLICATION. ....	236
SEC. 10-1.2820 NOTICE. ....	236
SEC. 10-1.2825 DECISIONS. PUBLIC HEARINGS AND EFFECTIVE DATES. ....	237
SEC. 10-1.2830 CONFORMANCE - ADMINISTRATIVE MODIFICATION. ....	237
SEC. 10-1.2835 DISTRICT USES NOT SPECIFIED. ....	238
SEC. 10-1.2840 ADMINISTRATIVE REFERRAL. ....	238
SEC. 10-1.2845 APPEAL AND REVIEW PROCESS. ....	238
SEC. 10-1.2850 VIOLATIONS AND PENALTIES. ....	239
SEC. 10-1.2900 NONCONFORMING USES .....	241
SEC. 10-1.2905 PURPOSE. ....	241
SEC. 10-1.2910 NONCONFORMING STRUCTURES. ....	241
SEC. 10-1.2915 NONCONFORMING USES.....	242
SEC. 10-1.2920 NONCONFORMING STRUCTURES - BUILDING UNDER CONSTRUCTION.....	243
SEC. 10-1.2925 STRUCTURE PERMITS OR CERTIFICATES OF OCCUPANCY PROHIBITED.....	243
SEC. 10-1.2930 REMOVAL OF ILLEGAL NONCONFORMING STRUCTURES AND USES. ....	244
SEC. 10-1.3000 SITE PLAN REVIEW .....	245
SEC. 10-1.3005 PURPOSE. ....	245
SEC. 10-1.3010 WHEN REQUIRED.....	245
SEC. 10-1.3015 APPLICATION FORM AND SUBMITTAL. ....	246
SEC. 10-1.3020 ADMINISTRATIVE OPTIONS. ....	246
SEC. 10-1.3025 FINDINGS. ....	246
SEC. 10-1.3030 CONDITIONS. ....	246
SEC. 10-1.3035 NOTICE OF DECISION AND EFFECTIVE DATE. ....	247
SEC. 10-1.3040 TIME LIMITS FOR FINAL DECISION.....	247

SEC. 10-1.3045 APPEALS .....	247
SEC. 10-1.3050 REFERRALS. ....	247
SEC. 10-1.3055 LAPSE OF APPROVAL. ....	248
SEC. 10-1.3060 REVOCATIONS AND MODIFICATIONS. ....	248
SEC. 10-1.3065 REAPPLICATION. ....	248
SEC. 10-1.3070 DISCONTINUED USES. ....	249
 SEC. 10-1.3100 ADMINISTRATIVE USE PERMIT .....	 251
SEC. 10-1.3105 PURPOSE .....	251
SEC. 10-1.3110 WHEN REQUIRED .....	251
SEC. 10-1.3115 APPLICATION FORM AND SUBMITTAL.....	251
SEC. 10-1.3120 ADMINISTRATIVE OPTIONS. ....	251
SEC. 10-1.3125 FINDINGS .....	251
SEC. 10-1.3130 CONDITIONS .....	252
SEC. 10-1.3135 NOTICE OF DECISION AND EFFECTIVE DATE. ....	252
SEC. 10-1.3140 TIME LIMITS FOR FINAL DECISION.....	252
SEC. 10-1.3145 APPEALS.....	252
SEC. 10-1.3150 REFERRALS.....	253
SEC. 10-1.3155 LAPSE OF APPROVAL.....	253
SEC. 10-1.3160 REVOCATIONS AND MODIFICATIONS. ....	254
SEC. 10-1.3165 REAPPLICATION. ....	254
SEC. 10-1.3170 DISCONTINUED USES. ....	254
 SEC. 10-1.3200 CONDITIONAL USE PERMIT .....	 255
SEC. 10-1.3205 PURPOSE .....	255
SEC. 10-1.3210 WHEN REQUIRED.....	255
SEC. 10-1.3215 APPLICATION FORM AND SUBMITTAL.....	256
SEC. 10-1.3220 ADMINISTRATIVE OPTIONS. ....	256
SEC. 10-1.3225 FINDINGS .....	256
SEC. 10-1.3230 CONDITIONS.....	256
SEC. 10-1.3235 NOTICE OF DECISION AND EFFECTIVE DATE. ....	257
SEC. 10-1.3240 TIME LIMITS FOR FINAL DECISION.....	257
SEC. 10-1.3245 APPEALS.....	257
SEC. 10-1.3250 REFERRALS.....	257
SEC. 10-1.3255 LAPSE OF APPROVAL.....	258
SEC. 10-1.3260 REVOCATIONS AND MODIFICATIONS. ....	258
SEC. 10-1.3265 REAPPLICATION. ....	258
SEC. 10-1.3270 DISCONTINUED USES. ....	259
 SEC. 10-1.3300 VARIANCE.....	 261
SEC. 10-1.3305 PURPOSE .....	261
SEC. 10-1.3310 WHEN REQUIRED.....	261
SEC. 10-1.3315 APPLICATION FORM AND SUBMITTAL.....	261
SEC. 10-1.3320 ADMINISTRATIVE OPTIONS. ....	261
SEC. 10-1.3325 FINDINGS .....	262
SEC. 10-1.3330 CONDITIONS.....	262

SEC. 10-1.3335	NOTICE OF DECISION AND EFFECTIVE DATE. ....	262
SEC. 10-1.3340	TIME LIMITS FOR FINAL DECISION.....	262
SEC. 10-1.3345	APPEALS. ....	262
SEC. 10-1.3350	REFERRALS. ....	263
SEC. 10-1.657 SEC. 10-1.3355	LAPSE OF APPROVAL.....	263
SEC. 10-1.3360	REVOCATIONS. ....	263
SEC. 10-1.3365	REAPPLICATION. ....	263
SEC. 10-1.3370	VARIANCES TO USES, DENSITY, AND GARAGE CONVERSIONS PROHIBITED. ....	264
SEC. 10-1.3375	LIMITATION OF VARIANCE APPROVAL. ....	264
SEC. 10-1.3400	AMENDMENTS.....	265
SEC. 10-1.3405	PURPOSE. ....	265
SEC. 10-1.3410	CITY POLICIES AND PLANS REVIEW. ....	265
SEC. 10-1.3415	INITIATION. ....	265
SEC. 10-1.3420	APPLICATION FORM AND SUBMITTAL. ....	266
SEC. 10-1.3425	PLANNING COMMISSION PROCEDURES.....	266
SEC. 10-1.3430	CITY COUNCIL PROCEDURES.....	266
SEC. 10-1.3435	APPEALS. ....	266
SEC. 10-1.3440	EXPANDED AREA OF CONSIDERATION.....	267
SEC. 10-1.3445	REAPPLICATION. ....	267
SEC. 10-1.3450	RECLASSIFICATION. CONDITIONS ATTACHED OR ATTACHABLE. ....	267
SEC. 10-1.3455	PREZONING TIME LIMIT. ....	267
SEC. 10-1.3460	EFFECTIVE DATE.....	267
APPENDIX "A"	DEFINITIONS .....	269
SEC. 10-1.000	DEFINITIONS .....	269
APPENDIX "B"	ZONING MAPS .....	297
APPENDIX "C"	ADOPTED ORDINANCE DATES .....	299



SEC. 10-1.000 DEFINITIONS

(See Appendix “A” at end of document)

SEC. 10-1.100 GENERAL PROVISIONS

Sections:

Section 10-1. 105 Title.

Section 10-1. 110 Purpose.

Section 10-1. 115 Authority and General Plan Consistency.

Section 10- 1.120 Reviewing Authorities.

Section 10-1. 125 Establishment of Zoning Districts.

Section 10-1. 130 Establishment of Zoning District Maps.

Section 10-1. 135 Exceptions.

Section 10- 1.140 Exclusionary Zoning Ordinance.

Section 10-1. 145 Accessibility for Persons with Physical Disabilities.

Section 10- 1.150 Nuisance.

Section 10-1. 155 Prezoning or Interim Zoning of Unincorporated Lands.

Section 10- 1.160 Relationship to Other Regulations.

Section 10- 1.165 Severability.

Section 10- 1.170 Uncertainty of Boundaries.

Section 10- 1.175 Uses/Activities Conducted Indoors.

Section 10-1. 180 Violations of Zoning Ordinance.

SEC. 10-1.105 TITLE.

This title shall be known and may be cited and referred to as the “Hayward Zoning Ordinance.”

SEC. 10-1.110 PURPOSE.

The purpose of this Zoning Ordinance is to promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the City by providing regulations to ensure an appropriate mix of land uses in an orderly manner. In furtherance of this purpose the City desires to achieve a pattern and distribution of land uses which generally:

- a. Retain and enhance established residential neighborhoods, commercial and industrial districts, regional-serving uses, and recreational amenities.
- b. Allow for the **infill** and reuse areas at their prevailing scale and character.
- c. Accommodate expansion of development into vacant and **under** utilized lands within environmental and infrastructure constraints.
- d. Maintain and enhance significant environmental resources.
- e. Provide a diversity of areas characterized by differing **land** use activity, scale and intensity.
- f. Establish Hayward as a unique and distinctive place in the heart of the San Francisco Bay Area with a high quality of life in an attractive, secure environment for the City’s residences and businesses.

**SEC. 10-1.115 AUTHORITY AND GENERAL PLAN CONSISTENCY.**

- a. This Zoning Ordinance is a tool for implementing the goals, objectives, and policies of the Hayward General Policies Plan, pursuant to the mandated provisions of the State Planning and Zoning Law (Government Code Section 65000 et seq.), the California Environmental Quality Act (Public Resources Code 21000 et seq.), and other applicable State and local requirements. All developments within the unincorporated area of the City's Sphere of Influence should be consistent with the Hayward General Policies Plan. All new development within the incorporated area of the City shall be consistent with the General Policies Plan.
- b. The provisions of this Zoning Ordinance are intended to oversee implementation of the City's General Policies Plan, and intended to compliment provisions of the City's Subdivision Ordinance (adopted as required by the Subdivision Map Act, Government Code Section 66410 et seq.), and the latest edition of the California Uniform Building Code as adopted by the City Council shall prevail. When the provisions of this Zoning Ordinance conflict with any provision of the City's Subdivision Ordinance or the Uniform Building Code, the most restrictive or that imposing higher standards shall apply.
- c. The type and intensity of land use as shown on the General Policies Plan and any applicable specific plan shall determine, together with this Zoning Ordinance and the City's Subdivision Ordinance, the type of streets, roads, highways, utilities and public services that shall be provided by the developer.

**SEC. 10-1.120 REVIEWING AUTHORITIES.**

- a. The City Council shall have final decision authority over appeals of the Planning Commission, Specific Plans, General Plan amendments, land subdivisions, Zoning Ordinance amendments and zone changes. The Council may also impose conditions of approval.
- b. The Planning Commission shall prepare, recommend adoptions, implement and periodically review and recommend revisions to the General Plan and this Zoning Ordinance for the desired physical development of the City, and any land within its Sphere of Influence. Decisions by the Planning Commission shall be final for appeals and referrals of Site Plan Reviews, Administrative Use Permits, Conditional Use Permits and Variances unless appealed to the City Council. The Commission may also impose conditions of approval and make interpretations of the General Plan and Zoning Ordinance, which may be appealed to the City Council.
- c. The Director of Community and Economic Development, hereinafter referred to as "Planning Director," shall perform the duties and functions of day-to-day and long-range management of the Community and Economic Development Department. This includes the acceptance and processing of all land use permit applications (i.e., variances, development permits, etc.). All officers and employees who have the primary responsibility for the administration and interpretation of this Zoning Ordinance may act in his or her stead. The Planning Director has final approval authority for and enforcement of Administrative Use Permits, Site Plan Review, and Administrative Variances, all of which may be appealed to the Planning Commission. The Planning Director may impose conditions of approval or make interpretations of this Zoning Ordinance, which may be appealed to the Planning Commission.

**SEC. 10-1.125 ESTABLISHMENT OF ZONING DISTRICTS.**

Zoning districts are designated as follows:

**RESIDENTIAL**

- RS - Single-Family Residential District
- RNP** - Residential Natural Preservation District
- RM** - Medium Density Residential District
- RH - High Density Residential District
- RO' - Residential-Office District
- MH - Mobile Home Park District

**COMMERCIAL**

- CN** - Neighborhood Commercial District
- CN-R - Neighborhood Commercial - Residential District
- CG - General Commercial District
- CO - Commercial Office District
- CL - Limited Access Commercial District
- CB - Central Business District
- CR - Commercial Retail District

**CENTRAL CITY**

- CC-C** - Central City - Commercial District
- CC-P - Central City - Plaza District
- CC-R - Central City - Residential District

**INDUSTRIAL**

- I - Industrial District
- BP - Business Park District
- LM - Light Manufacturing, Planning/Research and Development District

**AIR TERMINAL**

- AT-AC - Air Terminal - Aviation Commercial District
- AT-C - Air Terminal - Commercial District
- AT-IP - Air Terminal - Industrial Park District
- AT-O - Air Terminal - Operations District
- AT-R - Air Terminal - Recreational District
- AT-RM - Air Terminal - Medium Density Residential District

**OPEN SPACE**

- A - Agricultural District
- FP - Flood Plain District
- OS** - Open Space District

**PUBLIC FACILITIES**

- PF - Public Facilities District

**SPECIAL DISTRICTS**

- B - Special Lot Standards Combining Districts
- PD - Planned Development District
- SD-1** - "B" Street Special Design Streetcar District
- SD-2 - Mission Corridor Special Design District
- SD-3 - Cottage Special Design District

SEC 10-1.130 ESTABLISHMENT OF ZONING DISTRICT MAPS.

The designations, locations, and boundaries of the aforesaid Districts are hereinafter set forth by reference to a Zoning District Index Map and Zoning District Maps attached as Appendix "A" at the end of document, page 10-297, and on file with the City Clerk and Community and Economic Development Department. Said maps and all notations, references, data, and other information shown thereon are hereby adopted and made a part hereof.

SEC. 10-1.135 EXCEPTIONS.

The following uses are exempted by this title and are permitted in any district: Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distributing and transmitting equipment for telephone or television communications, electric power, gas, water and sewer lines provided that the installation shall conform when applicable with Federal Communications Commission, State Public Utilities Commission, and Federal Aviation Agency rules and regulations, or any other authorities having jurisdiction and subject to other provisions of this Ordinance, other City ordinances, rules and regulations. This exception does not include any such facilities needed for wireless telecommunications (refer to Article 13 of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance).

SEC. 10-1.140 EXCLUSIONARY ZONING ORDINANCE.

When a use is not specifically listed in the sections devoted to "Uses Permitted," it shall be assumed that such uses are prohibited unless it is determined by the Planning Director or on appeal to the Planning Commission that the use is similar to and not more objectionable than the uses listed. Further, uses are permitted and conditions to use are established within each district as set forth herein.

SEC. 10-1.145 ACCESSIBILITY FOR PERSONS WITH PHYSICAL DISABILITIES.

Regulations of Title 24 of the California Building Code as adopted by the Hayward City Council regarding accessibility for persons with physical disabilities shall be followed wherever they are applicable. The City of Hayward also supports and encourages compliance with federal government mandated accessibility regulations for persons with physical disabilities, the Americans with Disabilities Act, or ADA.

SEC. 10-1.150 NUISANCE.

No use or expansion of any existing use shall be conducted in a manner that is detrimental to or incompatible with adjacent properties so as to create any dangerous, noxious, or objectionable conditions which are a nuisance to owners or users of adjoining property or to the general public. The following hazards, pollutants, and disturbances are examples of conditions that constitute a nuisance, and include but are not limited to: fire, explosion, odor, smoke, dust, liquid or solid refuse or wastes, noise, vibration, electrical interference, glare, heat, cold, and dampness.

SEC. 10-1.155 PREZONING OR INTERIM ZONING OF UNINCORPORATED LANDS.

Any unincorporated territory adjoining the City may be prezoned or have an interim zoning classification for the purpose of determining the classification that will apply to such property in the event of subsequent annexation to the City. The method of accomplishing such prezoning or interim zoning shall be as approved herein for the classifying or reclassifying of property within the City. The classification established by such prezoning or interim zoning action shall become effective at such time as the annexation becomes effective.

SEC. 10-1.160 RELATIONSHIP TO OTHER REGULATIONS.

- a. All licenses, permits, Business Tax Forms, and certificates issued by the City must comply with the provisions of this Ordinance. Any such conflicting license, permit, or certificate is null and void. A business license as defined in Section 8-1.00 of the Hayward Municipal Code is a revenue matter and shall not be considered as determinative of any required zoning compliance or planning approval.
- b. It is not intended for the provisions of this Ordinance to interfere with or annul any easement, covenant, restriction, or other agreement between parties, provided said arrangement is not in conflict with the provisions herein.

SEC. 10-1.165 SEVERABILITY.

If any chapter, section, subsection, sentence, clause, or phrase of this Zoning Ordinance is for any reason, held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining portions of this Zoning Ordinance. The City Council hereby declares that it would have adopted this Zoning Ordinance and each chapter, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more portions of this Zoning Ordinance might be declared invalid.

SEC. 10-1.170 UNCERTAINTY OF BOUNDARIES.

Where uncertainty exists as to the boundaries of any of the aforesaid Districts as shown on Zoning District Maps, the Planning Director or on appeal to the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries.

SEC. 10-1.175 USES/ACTIVITIES CONDUCTED INDOORS.

Unless otherwise noted or explicitly implied herein, all land uses and activities shall be conducted wholly within enclosed buildings.

SEC. 10-1.180 VIOLATIONS OF ZONING ORDINANCE.

It shall be unlawful for any person, firm, property owner, business proprietor, or corporation to cause or permit any violation to the provisions of this Ordinance, or to fail to comply with any of its requirements, including plans and conditions in connection with approval of a planned development district, site plan review, conditional use permit, administrative use permit, variance, or other approved permit. The Planning Director and/or his or her designee shall have and are hereby vested with the authority to enforce the provisions of this Ordinance in the manner provided by California Penal Code Section 836.5 against any person who violates these provisions (also refer to Section 10-1.2850, page 10-**Error!** Bookmark not defined.).



## **SEC. 10-1.200 SINGLE-FAMILY RESIDENTIAL DISTRICT (RS)**

Sections:

- Section 10-1.205 **Purpose.**
- Section 10-1.210 Subdistricts.
- Section 10-1.215 Uses Permitted.
- Section 10-1.220 Conditionally Permitted Uses.
- Section 10-1.225 Lot Requirements.
- Section 10-1.230 Yard Requirements.
- Section 10-1.235 Height Limit.
- Section 10-1.240 Site Plan Review Required.
- Section 10-1.245 Design and Performance Standards.

### **SEC. 10-1.205 PURPOSE.**

The RS District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment for family life where children are members of many families. The RS District is to be used only for single-family homes and the community services appurtenant thereto as permitted by this Zoning Ordinance.

### **SEC. 10-1.210 SUBDISTRICTS.**

**Any** combining B District (See Sec. 10-1.2400).

### **SEC. 10-1.215 USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the RS District as primary uses.
  - (1) **Residential Uses.**
    - (a) Single-family dwelling.
    - (b) Group home. (See definition #105)
  - (2) **Other Uses.**
    - (a) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)
    - (b) Public agency facilities. (See definition #180)
- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the primary uses permitted in the RS District:
  - (1) **Residential Uses.**
    - (a) Attached second dwelling unit. (Also referred to as a “Granny Unit.” See Section 10-1.245.n., for criteria)
    - (b) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc., can be met for each dwelling).

**(2) Other Uses.**

- (a) Accessory buildings and uses. (See Section 10-1.245.b & c.)
- (b) Garage sales. (4 per year per dwelling. See Section 10-1.2735.e.)
- (c) Home Occupation. (See definition #111)
- (d) Household pets. (max. 4 cats and 4 dogs. See Section 10-1.2735.f. and definition #170)

**SEC. 10-1.220 CONDITIONALLY PERMITTED USES.**

- a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the RS District subject to approval of an administrative use permit:

**(1) Residential Uses.**

None.

**(2) Other Uses.**

- (a) Ambulance service. (See definition #10)
- (b) Day care center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definition #71)
- (c) Home Occupation, expanded. (See definition #112)
- (d) Parking lot.
- (e) Small livestock. (Such as chickens, pigeons, and rabbits. See Section 10-1.2735.f. and definition #127)
- (f) Wind energy conversion system.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are conditional uses permitted in the RS District subject to the approval of a conditional use permit:

**(1) Residential Uses.**

None.

**(2) Other Uses.**

- (a) Cultural facility.
- (b) Educational facility.
- (c) Golf course, country club.
- (d) Hospital, convalescent home.
- (e) Recreational facility.
- (f) Religious facility.

**SEC. 10-1.225 LOT REQUIREMENTS.****a. Minimum Lot Size.****(1) Interior Lot:** 5,000 square feet.**(2) Corner Lot:** 5,260 square feet.**b. Minimum Lot Frontage:**

35 feet.

**c. Minimum Flag Lot Frontage.****(1) One-Flag Lot:** 22 feet.**(2) Two-Flag Lots:** 28 feet.

(See Section 10-1.2720.a. and City Standard Detail #SD-109 for additional flag lot design criteria)

- d. Minimum Average Lot Width.
  - (1) Interior Lot: 50 feet.
  - (2) Corner Lot: 55 feet.
- e. Maximum Lot Coverage: 40 percent.
- f. Maximum Rear Yard Coverage: 40 percent.  
(Cumulative coverage of the required rear yard area for accessory structure(s) plus one-story home addition).
- g. Minimum Lot Depth: 80 feet.
- h. Special Lot Requirements and Exceptions: See Section 10-1 .2720.

**SEC. 10-1.230 YARD REQUIREMENTS.**

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 5 feet, or 10 percent of the lot width at the front setback line whichever is greater up to a maximum of 10 feet.
- c. Minimum Second Story Side Yard: One side of a two story building shall be stepped in an additional 5 feet.
- d. Minimum Side Street Yard: 10 feet.
- e. Minimum Rear Yard: 20 feet.  
(Exception: Reduction of the required rear yard to 10 feet is permitted for one-story additions attached to the rear of a single-family dwelling, provided the required rear yard area is not reduced by more than 20 percent.)
- f. Special Yard Requirements and Exceptions : See Section 10-1 .2725.

**SEC. 10-1.235 HEIGHT LIMIT.**

- a. Maximum Building Height : 30 feet.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls.
  - (1) Front and Side Street Yard: 4 feet.
  - (2) Side and Rear Yard: 6 feet.
 (See Section 10-1 .245 for additional standards)
- d. Special Height Requirements and Exceptions : See Sections 10-1.2730.

**SEC. 10-1.240 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval shall be required before issuance of any building or construction permit or construction of a fence within this district only if the /Planning Director determines, that a project materially alters the appearance and character of the property or area, or may be incompatible with City policies, standards, and guidelines. This may include fences, such as anodized gray chain link fences, which are visible to the public.

**SEC. 10-1.245 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The City recognizes that high-quality design of residential structures can contribute to a positive appearance of neighborhoods and improve the overall character of neighborhoods. This Section establishes design and performance standards that shall apply to the construction of new single-family dwellings, additions to existing dwellings and accessory buildings and uses.

**a. Single-family dwelling.**

Refer to the design criteria contained in the City of Hayward Design Guidelines, the Hillside Design and Urban/Wildland Interface Guidelines, Neighborhood Plans, and the following specific criteria and standards.

**b. Accessory Buildings, Detached.**

Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:

- (1) Shall not exceed one story or 14 feet in height.
- (2) Shall use exterior building materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
- (3) Shall not be located in a required front yard or side street yard.
- (4) Shall not be located in front of the primary building, with the exception of detached carports or garages.
- (5) Accessory buildings less than 120 square feet in area may be setback a minimum of 3 feet from a side or rear property line, measured from the closest point of the structure (ie. edge of roof eave or wall).
- (6) Accessory buildings exceeding 120 square feet in area shall be setback a minimum of 5 feet from a side and rear property line.
- (7) Shall be setback a minimum of 6 feet from the primary building and any other accessory building.
- (8) The area of all accessory buildings, either individually or cumulatively shall not exceed 50 percent of the ground floor area of the primary building.
- (9) Accessory buildings and single-story home additions shall not cumulatively exceed 40% coverage of a required rear yard.
- (10) Accessory buildings may include a bathroom but may not include a kitchen or sleeping quarters.

**c. Additions and Accessory Structures Attached to Primary Building.**

- (1) Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building, including the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.
- (2) At the time that cumulative additions to a single-family dwelling increase the original building floor area by more than 50 percent or increase the number of sleeping rooms, the dwelling shall be required to provide all required off-street parking (per Section 10-2.200(d) of the Off-Street Parking Regulations).

**d. Antennas and Satellite Dishes and Telecommunications Devices.**

Refer to Article 13 of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance for regulations of antennas, satellite dishes and telecommunications devices.

**e. Architectural Projections into Yards.**

- (1) Architectural features such as bay windows, fireplace chimneys, cornices, eaves, open or covered porches and entries, may extend 2 feet into any required side yard and 5 feet into any required front or rear yard.
- (2) Uncovered first floor landing places and outside open stairways may project 3 feet into any required yard, provided they do not exceed 6 feet in height (excluding railings) above ground level.
- (3) Second or third floor landing places and outside open stairways may project 3 feet into a required side or rear yard, but no closer than 5 feet to a side property line.
- (4) Balconies shall conform to the minimum yard setback requirements of the primary structure.
- (5) First floor entertainment center/bookshelf projections may extend 2 feet into a required side or rear yard when combined with a fireplace chimney, provided the combined width does not exceed 10 feet.

**f. Decks and Ramps.**

- (1) Decks and ramps 12 inches or less in height may be located in any yard.
- (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than 3 feet to the rear or side property line.
- (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
- (4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.
- (5) Ramps for persons with physical disabilities providing access to single-family dwellings shall be constructed in a side yard where possible. If constructed in the front yard shall be decorative, and materials used shall match the home as much as possible. Landscape screening shall be provided along the sides of the ramp.

**g. Fences, Hedges and Walls.**

- (1) Fences, hedges, and walls shall be limited to a height of 4 feet in any portion of a front or side street yard, and to a height of 6 feet in any side or rear yard.
- (2) Where the rear or side yard is contiguous to commercially or industrially developed or zoned land, freeway, flood control channels, arterial street, or similar use, a maximum 8-foot-high fence or wall may be permitted by the Planning Director.
- (3) On through lots, fences, hedges and walls shall be limited to a height of 4 feet in any portion of the front yards unless the Planning Director determines that up to a height of 6 feet, in the designated rear yard, would not compromise the safety of motorists and pedestrians nor the aesthetic value of the streetscape.
- (4) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.
- (5) The use of anodized gray chain-link fencing which is visible to the public shall be discouraged.
- (6) Barb or razor wire or similar fences are prohibited, except where approved by the Planning Director for lots abutting industrially, commercially or agriculturally zoned or developed property.

h. **Grading.**

All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

i. **Landscaping.**

For all new single-family dwellings the following landscaping shall be provided:

- (1) A minimum of one ~~15~~-gallon-size street tree, species to be approved by the Planning Director, shall be planted within the required front yard and side street yard of each lot.
- (2) For a lot with more than 50 feet of frontage, or with a side street yard more than 50 feet, one tree shall be planted for every 50 feet or fraction thereof of frontage.
- (3) Where trees have been removed pursuant to provisions of the Tree Preservation Ordinance, the Planning Director or other approving authority may require trees exceeding 15 gallons in size.
- (4) For subdivisions with 5 or more lots, or for subdivisions with less than 5 lots where site conditions warrant (such as hillside areas), all front and side street yards shall be landscaped. Landscape and irrigation plans shall be approved by the Planning Director prior to issuance of Building Permits.

j. **Manufactured Housing.**

Please refer to Section 10-1.2735.g for Manufactured Housing regulations.

k. **Parking, Driveways and Paving.**

Parking, driveways and paving for a single-family dwelling(s) shall be provided in accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

(1) **Parking Spaces Required.**

- (a) A minimum of two side-by-side parking spaces per single-family dwelling shall be provided within an enclosed garage. Replacement or excess parking in the form of a carport may be considered by the Planning Director, if determined to be compatible with the appearance and character of the property and area.
- (b) A lot abutting a public or private street that has no parking lane on either side of the street or where a street is posted for no parking on both sides of the street shall provide four parking spaces; of which two spaces must be covered and two may be uncovered.
- (c) Parking spaces shall not be located within the required front yard or side street yard setback or within 5 feet of any side or rear yard property line.

(2) **Parking Space Dimensions.**

- (a) The minimum dimensions for covered parking spaces shall be 20-feet wide by ~~19~~-feet long for two side-by-side spaces, and 11-feet wide by 19-feet long for one space. Parking space areas shall be unobstructed by stairs, cabinets, utilities, post, etc.
- (b) The minimum garage door width shall be 16-feet for a two-car garage and 8-feet for a one-car garage. All new garage doors shall be sectional roll-up doors.
- (c) A one-car garage less than 9-feet wide by 19-feet long shall be considered nonconforming, and may be eligible to be converted to habitable living area without having to provide replacement parking, subject to approval of the Planning Director.
- (d) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet, with the exception of garage door openings which shall provide a minimum unobstructed vertical clearance of 6 feet 6 inches.

(3) Driveways and Paving.

- (a) Driveway widths in front of two-car garages or carports shall not exceed 20 feet nor be less than 16 feet. Driveways shall not be less than 20 feet long.
- (b) Driveways providing access to required parking located in a side yard or rear yard shall be setback a minimum of 3 feet from a side property line and 2 feet from the primary building.
- (c) Parking surfaces and driveways 40 feet or less in length shall be paved with Class B Portland Cement concrete. Subject to approval of the Planning Director, driveways exceeding 40 feet in length may be paved with asphaltic concrete or comparable all-weather dustless material(s), such as bricks or pavers.
- (d) The combined driveway and paving surface area in the front yard shall not exceed a maximum of 50 percent of the required front yard area, unless otherwise approved by the Planning Director.
- (e) For lots 70 or more feet in width, the Planning Director may approve a greater driveway width if the Planning Director determines the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development, and will not create a pedestrian or vehicular hazard.
- (f) For single-family homes, a curved driveway ("Hollywood driveway") is permitted on lots that are 100 feet or more in width, and where item #3 above is met.
- (g) For access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10-foot wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard.

(4) Driveway Turnaround Requirement.

Lots that front on a major or secondary arterial and/or where driveways exceed 40 feet in length shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction, unless waived by the Planning Director or other approving authority.

(5) Driveway Security Gates.

Refer to Section 10-2.626 of the Off-Street Parking Regulations.

(6) Emergency Vehicle Turn-Around Requirement.

Where the farthest point of a dwelling unit(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)

(7) Private Street Criteria.

Refer to Section 10-1.2735.i for design criteria.

1. Parking, Storage, Display, and Vehicle Repair Requirements.(1) Parking and Storage in Front Yards.

Vehicles shall be parked in the required front yard only on the paved driveway which provides direct access to the garage from a public street or an approved private street, perpendicular to the street, or on a curved driveway.

(2) Parking or Storage in Other Than Front Yards.

Parking or storage of vehicles in areas other than the front yard is permitted subject to the following requirements:

- (a) No vehicle shall be parked or stored in a required side yard or side-street yard with the following exceptions: recreational vehicles that are not self-propelled, and are less than 6 feet in height, such as a boat, compact trailer tent or similar recreational vehicle can be stored in a required side yard if screened from view from the street by a 6 foot high solid fence.

- (b) Parking or vehicle storage areas shall be paved with asphaltic or Portland Cement concrete and conform to City standards. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, asphalt, or rock or concrete wheel tracks.
- (c) Open parking or vehicle storage areas located on lots less than 10,000 square feet in area shall not exceed 500 square feet in area or 700 square feet for lots 10,000 feet or larger, excluding driveways.
- (d) Open parking areas, garages or carports shall be located no less than 5 feet from the side or rear property line and shall conform to all other requirements of the Zoning Ordinance and Building Code.
- (1) Display and Sale of Motor Vehicles.  
Display for sale of one motor vehicle, boat, trailer, motorhome, or other vehicle is permitted as an accessory residential use, provided said vehicle is registered to a person who currently resides on the property.
- (2) Vehicle and Boat Repair.  
It shall be unlawful and a public nuisance for any person to engage in, or any property owner to allow to occur, vehicle or boat repair in any residential zone:
  - (a) Upon any vehicle which is not registered to a current occupant of the premises where the work is being performed.
  - (b) Upon more than two (2) vehicles at one time on the same premises or by the same person.
  - (c) Outside a fully enclosed structure for uses defined as major automobile repair as defined in this Ordinance.
  - (d) Home repair may be performed outside a fully enclosed structure where elapsed time between the beginning and end of the repair does not exceed forty-eight (48) hours.
  - (e) Vehicle painting, other than spot painting, shall not be permitted in residential zones.

**m. Retaining Walls.**

- (1) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.
- (2) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.
- (3) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.
- (4) The sides of exposed exterior retaining walls shall be architecturally treated as approved by the Planning Director.
- (5) The Planning Director may administratively alter or waive any wall requirement, if, in the Planning Director's opinion, no practical alternative exists, the purpose of the regulation will not be compromised, and no detrimental impact will result.

**n. Second Dwelling, Attached ("Granny Unit").**

An attached second dwelling ("Granny Unit") may be constructed in accordance with the following standards:

- (1) An attached second dwelling may only be added to an existing detached single-family dwelling on a parcel containing no other dwellings, and which has at least two covered parking stalls, with at least one common wall between the attached second dwelling and the living or garage area of the existing dwelling.
- (2) An attached second dwelling shall contain no more than one bedroom, shall be a minimum of 400 square feet in area and shall not exceed 640 square feet in area.

- (3) Any separate entry constructed for an attached second dwelling shall be located only in the side, side-street (if approved by the Planning Director) or rear yard.
- (4) An attached second dwelling shall be counted as part of the primary building coverage requirements and also shall conform to all required lot, yard, and height requirements.
- (5) An attached second dwelling shall not be sold separately from the primary dwelling, but it may be rented.
- (6) An attached second dwelling shall only be approved where the owner of the existing dwelling has applied for the building permit and where same owner resides in the primary dwelling at the time of application and occupancy of the attached second dwelling.
- (7) Unless exempted, as determined by the Building Official, the primary or existing dwelling and the attached second dwelling shall conform to all applicable City code requirements; for example, building, **fire**, plumbing, electrical. A Certificate of Occupancy shall have been obtained for both units prior to occupancy of the attached second dwelling.
- (8) An attached second dwelling shall not be located within the garage area or a converted garage area of the existing dwelling unless adequate substitute **2-car** garage parking is provided outside required front, side, and side street yards.
- (9) The exterior design of the attached second dwelling shall appear to constitute an integral part of the primary dwelling and not a separate dwelling unit.

o. **Signs.**

- (1) One name plate and one address sign not exceeding 2 square feet in area shall be permitted for each single-family dwelling. Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, and shall not be hazardous to vehicular traffic.
- (2) Garage/yard sale signs shall be permitted in accordance with the Hayward Sign Ordinance.
- (3) No sign(s) shall be permitted which identify a home occupation business within a dwelling unit

p. **Swimming Pools, Hot Tubs and Spas.**

May be located in any yard other than the required front or side street yard, provided that no wall line of a swimming pool, hot tub or spa shall be closer than 5 feet from any building on an abutting lot, nor closer than 3 feet from any property line.



**SEC. 10-1.300 RESIDENTIAL NATURAL PRESERVATION DISTRICT (RNP)****Sections:**

- Section 10-1.305 Purpose.
- Section 10-1.310 Subdistricts.
- Section 10-1.315 Uses Permitted.
- Section 10-1.320 Conditionally Permitted Uses.
- Section 10-1.325 Lot Requirements.
- Section 10-1.330 Yard Requirements.
- Section 10-1.335 Height Limit.
- Section 10-1.340 Site Plan Review Required.
- Section 10-1.345 Minimum Design and Performance Standards.

**SEC. 10-1.305 PURPOSE.**

It shall be the purpose of the Residential Natural Preservation (RNP) District to allow for the development of area where topographic configuration is a major consideration in determining the most appropriate physical development of the land, and to allow such development only where it is subservient to and compatible with the preservation of major natural features of the land such as preserving the tree line in this zoning district. It is the intention of the regulations for this district that such district be served by limited circulation facilities, and that it be utilized where large open spaces, individual privacy, and semi-agricultural pursuits are desired by the owners and suited to the land.

**SEC. 10-1.310 SUBDISTRICTS.**

Combining B40, B5A, and B10A District (See Section 10-1.2400).

**SEC. 10-1.315 USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the RNP District.
  - (1) **Residential Uses.**
    - (a) Single-family dwelling.
    - (b) Group home. . (See definition #105)
  - (2) **Other Uses.**
    - (a) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)
    - (b) Public agency facilities. (See definition #180)
- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the primary uses permitted in the RNP District:
  - (1) **Residential Uses.**
    - (a) Attached second dwelling unit. (Also referred to as a “Granny Unit.” See Section 10-1.345 for criteria)
    - (b) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be

constructed provided the minimum development standards (lot size, setbacks, height, etc., can be met for each dwelling).

(2) Other Uses.

- (a) Accessory buildings and uses.
- (b) Garage sales.
- (c) Home Occupation.
- (d) Household pets.

(See Section 10.1.345)  
(4 per year per dwelling. See Section 10-1.345)  
(See definition #111)  
(max. 4 cats and 4 dogs. See Section 10-1.2735(f) and definition #170)

**SEC. 10-1.320 CONDITIONALLY PERMITTED USES.**

- a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the RNP District subject to approval of an administrative use permit:

(1) Residential Uses.

None.

(2) Other Uses.

- (a) Day care center.
- (b) Home Occupation, expanded.
- (c) Livestock and small livestock.
- (d) Wind energy conversion system.

(State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definition #68)  
(See definition #112)  
(See Section 10-1.2735.(f) and definition #127)

- b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are conditional uses permitted in the RNP District subject to the approval of a conditional use permit:

(1) Residential Uses.

None.

(2) Other Uses.

- (a) Cultural facility.
- (b) Educational facility.
- (c) Recreational facility.
- (d) Religious facility.

**SEC. 10-1.325 LOT REQUIREMENTS.**

- a. Minimum Lot Size: 20,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Flag Lot Frontage.
  - (1) One-Flag Lot: 22 feet.
  - (2) Two-Flag Lots: 28 feet.

(See Section 10-1.2720.a. and City Standard Detail #SD-109 for additional flag lot design criteria)
- d. Minimum Average Lot Width: 100 feet.
- e. Maximum Lot Coverage : 30 percent.
- f. Maximum Rear Yard Coverage: 40 percent.  
(Cumulative coverage of the required rear yard area for accessory structure(s) plus one-story home

- g. **Minimum Lot Depth:** addition).  
100 feet.
- h. **Special Lot Requirements and Exceptions:** See Section 10-1.2720.

**SEC. 10-1.330 YARD REQUIREMENTS.**

- a. **Minimum Front Yard:** 20 feet
- b. **Minimum Side Yard:** 30 feet combined, with no one side yard of less than 10 feet.
- c. **Minimum Second Story Side Yard:** One side of a two story building shall be stepped in an additional 5 feet.
- d. **Minimum Side Street Yard:** 10 feet.
- e. **Minimum Rear Yard:** 20 feet, or 30 feet from tree line.  
(Exception: Reduction of the required rear yard to 10 feet is permitted for one-story additions attached to the rear of a single-family dwelling, provided the required rear yard area is not reduced by more than 20 percent, , unless the addition would be located closer than 30 feet from tree line)
- f. **Special Yard Requirements and Exceptions:** See Section 10-1.2725.

**SEC. 10-1.335 HEIGHT LIMIT.**

- a. **Maximum Building Height:** 30 feet.
- b. **Maximum Accessory Building Height:** 14 feet and one story.
- c. **Maximum Height for Fences/hedges/walls.**
- (1) **Front and Side Street Yard:** 4 feet
- (2) **Side and Rear Yard:** 6 feet  
(See Section 10-1.345 for additional standards).
- d. **Special Height Requirements and Exceptions:** See Section 10-1.2730.

**SEC. N-1.340 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval shall be required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area, or may be incompatible with City policies, standards, and guidelines. This may include fences, such as anodized gray chain link fences, which are visible to the public.

**SEC. 10-1.345 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The City recognizes that high-quality design of residential structures can contribute to a positive appearance of neighborhoods and improve the overall character of neighborhoods. This Section establishes design and performance standards that shall apply to the construction of new single-family dwellings, additions to existing dwellings and accessory buildings and uses.

- a. **Single-family dwelling.**  
For single-family dwelling, additions, accessory buildings and uses refer to the development criteria and standards contained in the Single-Family District, Section 10-1.200.



## SEC. 10-1.400 MEDIUM DENSITY RESIDENTIAL DISTRICT (RM)

### Sections:

- Section 10-1.405 Purpose.
- Section 10-1.410 Subdistricts.
- Section 10-1.415 Uses Permitted.
- Section 10-1.420 Conditionally Permitted Uses.
- Section 10-1.425 Lot Requirements.
- Section 10-1.430 Yard Requirements.
- Section 10-1.435 Height Limit.
- Section 10-1.440 Site Plan Review Required.
- Section 10-1.445 Minimum Design and Performance Standards.

### SEC. 10-1.405 PURPOSE.

The RM District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible.

### SEC. 10-1.410 SUBDISTRICTS.

Any combining B District (See Section 10-1.2400).

### SEC. 10-1.415 USES PERMITTED.

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the RM District.
  - (1) **Residential Uses.**
    - (a) Multiple-family dwelling.
    - (b) Single-family dwelling.
    - (c) Group home. (See definition #105)
  - (2) **Other Uses.**
    - (a) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)
    - (b) Public agency facilities. (See definition #180)
- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the RM District:
  - (1) **Residential Uses.**
    - (a) Attached second dwelling unit. (Also referred to as a “Granny Unit.” See Section 10-1.445 for criteria)
    - (b) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc., can be met for each dwelling)

- (2) Other Uses.
  - (a) Accessory buildings and uses. (See Section 10.1445)
  - (b) Garage sales. (4 per year per dwelling. See Section 10-1 445)
  - (c) Home Occupation. (See definition #111)
  - (d) Household pets. (max. 4 cats and 4 dogs. See Section 10-1.2735.f. and definition #170)

### **SEC. 10-1.420 CONDITIONALLY PERMITTED USES.**

- a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the RM District subject to approval of an administrative use permit:

- (1) Residential Uses.
  - Boarding home. (See definition #37)
- (2) Other Uses.
  - (a) Ambulance service. (Usually located on major arterial where there will not be a detrimental impact due to noise or parking)
  - (b) Day care center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definition #7 1)
  - (c) Home Occupation, expanded. (See definition #112)
  - (d) Parking lot.
  - (e) Small livestock. (Such as chickens, pigeons, and rabbits. See Section 10-1 .507.f. for standards)
  - (f) Wind energy conversion system.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the RM District subject to the approval of a conditional use permit:

- (1) Residential Uses.
  - Dormitory.
- (2) Other Uses.
  - (a) Cultural facility.
  - (b) Educational facility.
  - (c) Golf course, country club.
  - (d) Hospital, convalescent home.
  - (e) Recreational facility.
  - (f) Religious facility.

### **SEC. 10-1.325 LOT REQUIREMENTS.**

- a. Minimum Lot Size.
  - (1) Interior Lot: 5,000 square feet.
  - (2) Corner Lot: 6,000 square feet.
- b. Minimum Lot Area per Dwelling Unit: Minimum lot area per dwelling unit shall be based on the ratio of lot frontage to lot depth according to Table 1 below .
- c. Minimum Lot Frontage: 35 feet.
- d. Minimum Average Lot Width.
  - (1) Interior Lot: 60 feet.

- (2) Corner Lot: 60 feet.
- e. Maximum Lot Coverage : 50 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions: See Section 10-1.2720.

<b>TABLE 1</b> <b>LOT AREA PER DWELLING UNIT</b> <b>FOR RM DISTRICT</b>	
Ratio of Lot Frontage to Lot Depth	Minimum Lot Area Per Dwelling Unit (square feet)
1:2 or less	2,500
1:3	3,000
1:4	3,500
1:5	4,000
1:6	4,500
1:7 or more	5,000

Note: Ratios shall be rounded up to the nearest whole number value.

Figure 2: Example of Lot Frontage to Lot Depth.

**SEC. 10-1.430 YARD REQUIREMENTS.**

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 5 feet, or 10 percent of the lot width at the front setback line whichever is greater up to a maximum of 10 feet.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.
- e. Special Yard Requirements and Exceptions: See Section 10-1.2725.

**SEC. 10-1.226 SEC. 10-1.435 HEIGHT LIMIT.**

- a. Maximum Building Height: 40 feet
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls.
- (1) Front and Side Street Yard: 4 feet
- (2) Side and Rear Yard: 6 feet
- (See Section 10-1.445 for additional standards).
- d. Special Height Requirements and Exceptions: See Sections 10-1.2730.

**SEC. 10-1.227 SEC. 10-1.435 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval shall be required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area, or may be incompatible with City policies, standards, and guidelines. This may include fences, such as anodized gray chain link fences, which are visible to the public.

**SEC. 10-1.445 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The City recognizes that high-quality design of residential structures can contribute to a positive appearance of neighborhoods and improve the overall character of neighborhoods. This Section establishes design and performance standards that shall apply to the construction of new single-family and multiple-family dwellings, additions to existing dwellings and accessory buildings and uses allowed in the RM District.

**a. Single-family dwelling.**

For single-family dwelling, additions, accessory buildings and uses refer to the development criteria and standards contained in the Single-Family District, Section 10-1.200.

**b. Multiple-family dwelling.**

Refer to the design criteria contained in the City of Hayward Design Guidelines, the Hillside Design and Urban/Wildland Interface Guidelines, Neighborhood Plans, and the following specific criteria and standards.

**c. Accessory Buildings, Detached.**

Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:

- (1) Shall not exceed one story or 14 feet in height.
- (2) Shall use exterior building materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
- (3) Shall not be located in a required front yard or side street yard.
- (4) Shall be setback a minimum of 5 feet from a side or rear property line.
- (5) Shall not be located in front of a primary building, unless no other practical alternative exists.
- (6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building.
- (7) The area of all accessory buildings, either individually or cumulatively shall not exceed 50 percent of the ground floor area of the primary building.
- (8) Accessory buildings shall not cumulatively exceed 40% coverage of a required rear yard.
- (9) Accessory buildings may include a bathroom but shall not be used for habitable living spaces.

**d. Additions and Accessory Structures Attached to Primary Building.**

- (1) Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building, including the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.
- (2) At the time that cumulative additions to a multi-family dwelling increase the original building floor area by more than 50 percent per unit or increase the number of sleeping rooms per unit, the multi-family dwelling shall be required to provide all required off-street parking (per Section 10-2.200(d) of the Off-Street Parking Regulations).

e. **Antennas and Satellite Dishes and Telecommunications Devices.**

Refer to the Antenna and Telecommunications Facilities Ordinance for regulations of antennas, satellite dishes and telecommunications devices.

f. **Architectural Projections into Yards.**

- (1) Architectural features such as bay windows, chimneys, cornices, eaves, open or covered porches and entries, may extend 2 feet into any required side yard and 5 feet into any required front or rear yard.
- (2) Uncovered first floor landing places and outside open stairways may project 3 feet into any required yard, provided they do not exceed 6 feet in height (excluding railings) above ground level.
- (3) Second or third floor landing places and outside open stairways may project 3 feet into a required side or rear yard, but no closer than 5 feet to a side property line.
- (4) Balconies shall conform to the minimum yard setback requirements of the primary structure.

g. **Decks and Ramps.**

- (1) Decks and ramps 12 inches or less in height may be located in any yard.
- (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.
- (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
- (4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.
- (5) Ramps for persons with physical disabilities providing access to single-family dwellings shall be constructed in a side yard where possible. **If** constructed in the front yard shall be decorative, and materials used shall match the home as much as possible. Landscape screening shall be provided along the sides of the ramp.

h. **Fences, Hedges and Walls.**

- (1) Fences, hedges, and walls shall be limited to a height of 4 feet in any portion of a front or side street yard, and to a height of 6 feet in any side or rear yard.
- (2) Where the rear or side yard is contiguous to commercially or industrially developed or zoned land, freeway, flood control channels, arterial street, or similar use, a maximum 8-foot-high fence or wall may be permitted and/or required by the Planning Director.
- (3) Fences, hedges, and walls shall require approval by the Planning Director or other approving authority, as determined by the Planning Director.
- (4) On through lots, fences, hedges and walls shall be limited to a height of 4 feet in any portion of the front yards unless the Planning Director determines that up to a height of 6 feet, in the designated rear yard, would not compromise the safety of motorists and pedestrians nor the aesthetic value of the streetscape.
- (5) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.
- (6) The use of anodized gray chain-link fencing which is visible to the public shall be discouraged.
- (7) Barb or razor wire or similar fences are prohibited, except where approved by the Planning Director for lots abutting industrially, commercially or agriculturally zoned or developed property.

i. Grading.

All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

j. Landscaping.(1) Landscape Areas.

- (a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
- (b) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
- (c) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.

(2) Street Trees.

Street trees shall be planted along, all street frontages at a minimum of one **24-inch** box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.

(3) Parking Lot Trees.

- (a) Parking areas shall include a minimum of one **15-gallon** parking lot tree for every six parking stalls, except where restricted because of design constraints.
- (b) Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- (c) The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.
- (e) The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.
- (f) Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous **30-inch-high** screen within 2 years.

(3) Landscaping Near BART.

- (a) Parcels abutting, or within 500 feet and in direct view from the BART right-of-way shall include a minimum 10-foot wide landscape strip along the property line(s) abutting or in view from the BART right-of-way.
- (b) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line. The approving authority may waive the requirement if it would not accomplish the intent of City policies as they relate to landscaping due to existing structures or other obstructions to viewing landscaping.

(4) Maintenance.

- (a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary, as determined by the Planning Director.
- (b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

(5) Irrigation.

Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.

(6) Curbs.

Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the finished pavement.

(7) Tree Preservation.

- (a) Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period.
- (b) A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured two feet above the ground.

k. Lighting, Exterior.

Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights of way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.

l. Manufacture Housing.

Please refer to Section 10-1.2735.g for Manufactured Housing Regulations.

m. Open Space.(1) General.

- (a) For multi-family developments of four or more dwelling units, a minimum of 350 square feet of usable open space is required for each dwelling unit in a building with three stories or fewer of living area and a minimum of 150 square feet of usable open space for each dwelling unit in a building with more than three stories of living area.
- (b) A minimum of 100 square feet per unit shall be utilized for group open space unless a lesser amount is approved by the Planning Director or other approving authority when an alternative open space design would be more appropriate given the shape or terrain of the parcel, or tenant character or the location of the property relative to nearby park or recreational facilities, and when the intent of the open space requirements is not compromised.
- (c) Open space shall not be counted toward meeting the requirement where the noise level exceeds  $L_{dn}$  levels over 65 decibels (db).
- (d) Open space areas and amenities provided for the development shall be available to all residents at no charge, other than through conventional homeowners' association maintenance dues (i.e., no monthly membership dues or other charges are permitted.)
- (e) Site-specific special event rentals of open space areas and amenities may be permitted (i.e., rental of a clubhouse for a wedding is permitted.)

(2) Group Open Space.

- (a) Group open space shall not include the required front, side yard, or street side yard, off-street parking, driveways, service areas, or areas of more than 5 percent slope.
- (b) Group open space shall be centrally located to all residents.
- (c) Exterior group open space shall be not less than 400 square feet in area, and a rectangle inscribed within it shall have no dimension less than 20 feet.

(3) Private Open Space.

- (a) Private ground-level open space shall not include the required front or side street yard or exceed 3 percent slope.
  - (b) Ground-level open space shall be screened from view by fencing or landscaping and any space shall not be less than 100 square feet in area, and a rectangle inscribed within it shall have no dimension less than 10 feet.
  - (c) Above-ground open space shall not be less than 60 square feet in area, and a rectangle inscribed within it shall have no dimension less than 6 feet.
  - (d) Above-ground open space may encroach 5 feet into a required rear yard but in no case be less than 10 feet from a rear property line. Said space shall not be located in a required front, side street, or side yard, or off-street parking, driveways, service areas, or exceed 5 percent slope.
- (4) Usable open space requirements shall be calculated as follows: The actual measurement of an area which meets the criteria of private usable open space, as defined in this ordinance, shall be doubled, and the resulting figure applied toward the total usable open space requirements.

n. Parking, Driveways and Paving.

Parking, driveways and paving for multi-family dwellings shall be provided in accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

(1) Parking Spaces Required.

- (a) For studio multiple-family dwellings, 1.0 covered and 0.50 open per dwelling unit are required. For one-bedroom multiple-family dwellings, 1.0 covered and 0.70 open per dwelling unit are required. For two or more bedroom multiple-family dwellings, 1.0 covered and 1.10 open per dwelling unit are required. At least one covered, standard size parking space per dwelling unit shall be provided.
- (b) Ten percent of the total number of spaces required shall be clearly marked for visitors' parking, at least 70 percent of which shall accommodate standard size vehicles.

(2) Parking Space Dimensions.

- (a) The standard car parking spaces shall be a minimum of 9-feet wide by 19-feet long. Covered or uncovered parking spaces located adjacent to walls or support columns shall be increased in width by at least 1-foot on the effected side(s), to accommodate door swing. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.
- (b) The minimum garage door width shall be 16-feet for a two-car garage and 8-feet for a one-car garage. All new garage doors shall be sectional roll-up doors.
- (c) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet, with the exception of garage door openings which shall provide a minimum unobstructed vertical clearance of 6 feet 6 inches.

(3) Parking Space Locations.

- (a) Off-street parking areas not located under buildings shall be located behind the primary building(s) in order to enhance the streetscape. (Exceptions may be considered based on topography, size or shape of the parcel, adjacent development, size of the project, or amount of landscaping.)
- (b) Parking spaces shall not be located within the required front yard or side street yard setback or within 5 feet of any side or rear yard property line or primary building(s). Parking spaces shall be setback 7 feet to a property line or primary building if a 2-foot vehicular overhang is used, or 7 feet 6 inches if a 2-foot 6-inch vehicular overhang is used. An exception may be made for lots less than 51 feet in width, in which case parking and vehicular circulation may be located to within 3 feet of a side property line.

- (c) Parking spaces shall not be located further than 200 feet from the dwelling unit they are required to serve, unless waived by the Planning Director.
- (4) Driveways and Paving.
  - (a) The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.
  - (b) In no case should a driveway exceed one-third of the width of the property frontage width or 35 feet. An exception may be made for lots less than 72 feet in width, in which case a driveway may be a maximum of 24 feet in width. For lots more than 70 feet in width, a greater driveway width, not exceeding 35 feet, may be approved by the Planning Director if it is determined that the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development, and will not create a pedestrian or vehicular hazard.
  - (c) Parking surfaces and driveways 40 feet or less in length shall be paved with Class B Portland Cement concrete. Subject to approval of Planning Director, driveways exceeding 40 feet in length may be paved with asphaltic concrete or comparable all-weather dustless material(s), such as bricks or pavers.
- (5) Driveway Aisle Dimensions.  
The **minimum** parking lot driveway aisle width shall be 26 feet for a two-way standard car aisle and 20 feet for a compact car aisle.
- (6) Driveway Turnaround Requirement.  
Lots that front on a major or secondary arterial street and/or where driveways exceed 40 feet in length shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction, unless waived by the Planning Director or other approving authority.
- (7) Driveway Security Gates.  
Refer to Section 10-2.626 of the Off-Street Parking Regulations.
- (8) Emergency Vehicle Turn-Around Requirement.  
Where the farthest point of a dwelling unit(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)
- (9) Private Street Criteria.  
Refer to the Standard Details and Section 10-1.2400 for design criteria and standards.

**o. Parking, Storage, Display, and Vehicle Repair Requirements.**

- (1) Display and Sale of Motor Vehicles.  
Display for sale of one motor vehicle, boat, trailer, motor home, or other vehicle is permitted as an accessory residential use, provided said vehicle is registered to a person who currently resides on the property.
- (2) Prohibited Storage.  
Parking or storage of truck tractors or vehicles that are not self-propelled (trailers, boats mounted on trailers, and other vehicles or equipment of similar kind and use) are prohibited on multiple-family property, except within designated storage areas approved as part of the site plan review, use permit, planned development or building permit.
- (3) Vehicle and Boat Repair.  
It shall be unlawful and a public nuisance for any person to engage in, or any property owner to allow to occur, vehicle or boat repair in any residential zone:
  - (a) Upon any vehicle which is not registered to a current occupant of the premises where the work is being performed.
  - (b) Upon more than two (2) vehicles at one time on the same premises or by the same person.

- (c) Outside a fully enclosed structure for uses defined as major automobile repair as defined in this Ordinance.
- (d) Home repair may be performed outside a fully enclosed structure where elapsed time between the beginning and end of the repair does not exceed forty-eight (48) hours.
- (e) Vehicle painting, other than spot painting, shall not be permitted in residential zones.

**p. Retaining Walls.**

- (1) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.
- (2) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.
- (3) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.
- (4) The sides of exposed exterior retaining walls shall be architecturally treated as approved by the Planning Director.
- (5) The Planning Director may administratively alter or waive any wall requirement, if, in the Planning Director's opinion, no practical alternative exists, the purpose of the regulation will not be compromised, and no detrimental impact will result.

**q. Roof-Mounted Equipment.**

Roof-mounted equipment, satellite dishes, support structures and similar devices shall be screened from public view as required by the Planning Director or other approval authority.

**r. Signs.**

- (1) Multiple-family complex identification signs shall be permitted in accordance with Hayward Sign Ordinance.
- (2) Garage/yard sale signs shall be permitted in accordance with the Hayward Sign Ordinance.
- (3) No sign(s) shall be permitted which identify a home occupation business within a dwelling unit.

**s. Storage Closets.**

All multiple-family dwelling units shall have an enclosed storage closet located within the garage, patio or deck area, unless the Planning Director or other approving authority, determines an alternative site is acceptable. Storage closets shall each have a minimum of 90 cubic feet storage space.

**t. Swimming Pools, Hot Tubs and Spas.**

May be located in any yard other than the required front or side street yard, provided that no wall line of a swimming pool, hot tub or spa shall be closer than 5 feet from any building on an abutting lot, nor closer than 5 feet from any property line.

**u. Trash and Recycling Facilities.**

- (1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof consistent and compatible with the design of the primary building on the site.
- (2) Shall be located no further than 200 feet from a dwelling unit unless the site topography is such that adhering to this standard would interfere with the collection of trash.
- (3) Shall have a covered roof.

**SEC. 10-1.500 HIGH DENSITY RESIDENTIAL DISTRICT (RH)**

Sections:

- Section 10-1.505 **Purpose.**
- Section 10-1.510 Subdistricts.
- Section 10-1.515 Uses Permitted.
- Section 10-1.520 Conditionally Permitted.
- Section 10-1.525 Lot Requirements.
- Section 10-1.530 Yard Requirements.
- Section 10-1.535 Height Limit.
- Section 10-1.540 **Site** Plan Review.
- Section 10-1.545 Minimum Design and Performance Standards.

**SEC. 10-1.505 PURPOSE.**

The RH District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable high density residential environment through the development of multiple-family dwellings.

**SEC. 10-1.510 SUBDISTRICTS.**

None.

**SEC. 10-1.515 USES PERMITTED.**

- a. Primary Uses.** The following uses, or uses determined to be similar by the **Planning** Director, are permitted in the RH District.

(1) Residential Uses.

- (a) Multiple-family dwelling.
- (b) Additions to existing Single-family dwelling.
- (c) Group home. (See definition #105)

(2) Other Uses.

- (a) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)

- (3) Public agency facilities. (See definition #180)

- b. Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the RH District:

(1) Residential Uses.

None.

(2) Other Uses.

- (a) Accessory buildings and uses. (See Section 10.1.545)
- (b) Garage sales. (4 per year per dwelling, see Section 10-1.545)
- (c) **Home Occupation.** (See definition #112)
- (d) Household pets. (max. 4 cats and 4 dogs, see Section 10-1.2735.f. and definition #170)

**SEC. 10-1.520 CONDITIONALLY PERMITTED USES**

a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the RH District subject to approval of an administrative use permit:

(1) Residential Uses.

(a) Attached second dwelling unit.

(Also referred to as a "Granny Unit." See Section 10- 1.545 for criteria)

(b) Boarding home.

(c) Single-family dwelling.

(d) Second single-family dwelling.

(Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc., can be met for each dwelling)

(2) Other Uses.

(a) Ambulance service.

(Located on major arterial where there will not be a detrimental impact due to noise or parking)

(b) Day Care Center.

(State-licensed, less than 24-hour care - 15 or more persons, excluding staff. See definition #7 1.)

(c) Home occupation - expanded.

(d) Parking lot.

(e) Single-family dwelling.

(f) Wind energy conversion system.

b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the RH District subject to the approval of a conditional use permit:

(1) Residential Uses.

Dormitory.

(2) Other Uses.

(a) Cultural facility.

(b) Educational facility.

(c) Golf course, country club.

(d) Hospital, convalescent home.

(e) Recreational facility.

(f) Religious facility.

**SEC. 10-1.525 LOT REQUIREMENTS.**

a. Minimum Lot Size:

7,500 square feet.

b. **Minimum Lot Area Per Dwelling Unit:**

(1) For a lot with less than 60 feet of frontage or for a wider lot with a one-story building or a one-story portion of a building, 2,500 square feet for each dwelling unit.

(2) For a lot with between 60 and 120 feet of frontage or for a wider lot with a two-story building or a two-story portion of a building (a level of parking located below units shall constitute a story), 1,500 square feet for each dwelling unit.

(3) For a lot with more than 120 feet or more of frontage and for a three-story building or a three-story portion of a building (a level of parking located below units shall constitute a story), 1,250 square feet for each dwelling unit.

- c. Minimum Lot Frontage: 35 feet.
- d. Minimum Average Lot Width: 60 feet.
- e. Maximum Lot Coverage: 65 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions: See Section 10-1.2720.

**SEC. 10-1.530 YARD REQUIREMENTS.**

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 5 feet or 10 percent of the lot width at the front setback line whichever is greater up to a maximum of 10 feet.
- c. Minimum Side Street Yard: 10 feet.
- d. Special Yard Requirements and Exceptions: See Section 10-1.2725.

**SEC. 10-1.535 HEIGHT LIMIT.**

- a. Maximum Building Height: 40 feet
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard 4 feet
  - (2) Side and Rear Yard 6 feet
 (See Section 10-1.545 for additional standards).
- d. Special Height Requirements and Exceptions: See Sections 10-1.2730.

**SEC. 10-1.540 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences,) in certain circumstances.

**SEC. 10-1.545 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The City recognizes that high-quality design of residential structures can contribute to a positive appearance of neighborhoods and improve the overall character of neighborhoods. This Section establishes design and performance standards that shall apply to the construction of new single-family and multiple-family dwellings, additions to existing dwellings and accessory buildings and uses allowed in the RH District.

- a. Single-family dwelling.  
For single-family dwelling, additions, accessory buildings and uses refer to the development criteria and standards contained in the Single-Family District, Section 10-1.200.
- b. Multiple-family dwelling.  
Refer to the design criteria contained in the City of Hayward Design Guidelines, the Hillside Design and Urban/Wildland Interface Guidelines, Neighborhood Plans, and the following specific

criteria and standards.

**c. Accessory Buildings, Detached.**

Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:

- (1) Shall not exceed one story or 14 feet in height.
- (2) Shall use exterior building materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
- (3) Shall not be located in a required front yard or side street yard.
- (4) Shall be setback a minimum of 5 feet from a side or rear property line.
- (5) Shall not be located in front of a primary building, unless no other practical alternative exists.
- (6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building.
- (7) The area of all accessory buildings, either individually or cumulatively shall not exceed 50 percent of the ground floor area of the primary building.
- (8) Accessory buildings shall not cumulatively exceed 40% coverage of a required rear yard.
- (9) Accessory buildings may include a bathroom but shall not be used for habitable living spaces.

**d. Additions and Accessory Structures Attached to Primary Building.**

- (1) Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building, including the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.
- (2) At the time that cumulative additions to a multi-family dwelling increase the original building floor area by more than 50 percent per unit or increase the number of sleeping rooms per unit, the multi-family dwelling shall be required to provide all required off-street parking (per Section 10-2.200(d) of the Off-Street Parking Regulations).

**e. Antennas and Satellite Dishes and Telecommunications Devices.**

Refer to the Antenna and Telecommunications Facilities Ordinance for regulations of antennas, satellite dishes and telecommunications devices.

**f. Architectural Projections into Yards.**

- (1) Architectural features such as bay windows, chimneys, cornices, eaves, open or covered porches and entries, may extend 2 feet into any required side yard and 5 feet into any required front or rear yard.
- (2) Uncovered first floor landing places and outside open stairways may project 3 feet into any required yard, provided they do not exceed 6 feet in height (excluding railings) above ground level.
- (3) Second or third floor landing places and outside open stairways may project 3 feet into a required side or rear yard, but no closer than 5 feet to a side property line.
- (4) Balconies shall conform to the minimum yard setback requirements of the primary structure.

**g. Decks and Ramps.**

- (1) Decks and ramps 12 inches or less in height may be located in any yard.
- (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.
- (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.

- (4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.
- (5) Ramps for persons with physical disabilities providing access to single-family dwellings shall be constructed in a side yard where possible. If constructed in the front yard shall be decorative, and materials used shall match the home as much as possible. Landscape screening shall be provided along the sides of the ramp.

**h. Fences; Hedges and Walls.**

- (1) Fences, hedges, and walls shall be limited to a height of 4 feet in any portion of a front or side street yard, and to a height of 6 feet in any side or rear yard.
- (2) Where the rear or side yard is contiguous to commercially or industrially developed or zoned land, freeway, flood control channels, arterial street, or similar use, a maximum 8-foot-high fence or wall may be permitted and/or required by the Planning Director.
- (3) Fences, hedges, and walls shall require approval by the Planning Director or other approving authority, as determined by the Planning Director.
- (4) On through lots, fences, hedges and walls shall be limited to a height of 4 feet in any portion of the front yards unless the Planning Director determines that up to a height of 6 feet, in the designated rear yard, would not compromise the safety of motorists and pedestrians nor the aesthetic value of the streetscape.
- (5) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.
- (6) The use of anodized gray chain-link fencing which is visible to the public shall be discouraged.
- (7) Barb or razor wire or similar fences are prohibited, except where approved by the Planning Director for lots abutting industrially, commercially or agriculturally zoned or developed property.

**i. Grading.**

All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

**j. Landscaping.**

**(1) Landscape Areas.**

- (a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
- (b) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
- (c) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or **driveway shall be buffered with continuous shrubs or vines.**

**(2) Street Trees.**

Street trees shall be planted along all street frontages at a minimum of one 24-inch box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to

existing structures or site conditions.

(3) Parking Lot Trees.

- (a) Parking areas shall include a **minimum** of one 15-gallon parking lot tree for every six parking stalls, except where restricted because of design constraints.
- (b) Parking lot trees shall be planted in tree wells or **landscape** medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- (c) The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.
- (c) The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.
- (d) Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for, buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.

(8) Landscaping Near BART.

- (a) Parcels abutting, or within 500 feet and in direct view from the BART right-of-way shall include a minimum 10-foot wide landscape strip along the property line(s) abutting or in view from the BART right-of-way.
- (b) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line. The approving authority may waive the requirement if it would not accomplish the intent of City policies as they relate to landscaping due to existing structures or other obstructions to viewing landscaping.

(9) Maintenance.

- (a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary, as determined by the Planning Director.
- (b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

(10) Irrigation.

Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.

(11) Curbs.

Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the finished pavement.

(12) Tree Preservation.

- (a) Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period.
- (b) A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured two feet above the ground.

k. Lighting, Exterior.

Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights of way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.

**1. Manufacture Housing.**

Please refer to Section 10-1.2735 .g for Manufactured Housing Regulations.

**m. Open Space.****(1) General.**

- (a) For multi-family developments of four or more dwelling units, a minimum of 350 square feet of usable open space is required for each dwelling unit in a building with three stories or fewer of living area and a minimum of 150 square feet of usable open space for each dwelling unit in a building with more than three stories of living area.
- (b) A **minimum** of 100 square feet per unit shall be utilized for group open space unless a lesser amount is approved by the Planning Director or other approving authority when an alternative open space design would be more appropriate given the shape or terrain of the parcel, or tenant character or the location of the property relative to nearby park or recreational facilities, and when the intent of the open space requirements is not compromised.
- (c) Open space shall not be counted toward meeting the requirement where **the** noise level exceeds  $L_{dn}$  levels over 65 decibels (db).
- (d) Open space areas and amenities provided for the development shall be available to all residents at no charge, other than through conventional homeowners' association maintenance dues (i.e., no monthly membership dues or other charges are permitted.)
- (e) Site-specific special event rentals of open space areas and amenities may be permitted (i.e., rental of a clubhouse for a wedding is permitted.)

**(2) Group Open Space.**

- (a) Group open space shall not include the required 'front, side yard, or street side yard, off-street parking, driveways, service areas, or areas of more than 5 percent slope.
- (b) Group open space shall be centrally located to all residents.
- (c) Exterior group open space shall be not less than 400 square feet in area, and a rectangle inscribed within it shall have no dimension less than 20 feet.

**(3) Private Open Space.**

- (a) Private ground-level open space shall not include the required front or side street yard or exceed 3 percent slope.
- (b) Ground-level open space shall be screened from view by fencing or landscaping and any space shall not be less than 100 square feet in area, and a rectangle inscribed within it shall have no dimension less than 10 feet.
- (c) Above-ground open space shall not be less than 60 square feet in area, and a rectangle inscribed within it shall have no dimension less than 6 feet.
- (d) Above-ground open space may encroach 5 feet into a required rear yard but in no case be less than 10 feet from a rear property line. Said space shall not be located in a required front, side street, or side yard, or off-street parking, driveways, service areas, or exceed 5 percent slope.
- (4) Usable open space requirements shall be calculated as follows: The actual measurement of an area which meets the criteria of private usable open space, as defined in this ordinance, shall be doubled, and the resulting figure applied toward the total usable open space requirements.

**n. Parking, Driveways and Paving.**

Parking, driveways and paving for multi-family dwellings shall be provided in accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

(1) Parking Spaces Required.

- (a) For studio multiple-family dwellings, 1.0 covered and 0.50 open per dwelling unit are required. For one-bedroom multiple-family dwellings, 1.0 covered and 0.70 open per dwelling unit are required. For two or more bedroom multiple-family dwellings, 1.0 covered and 1.10 open per dwelling unit are required. At least one covered, standard size parking space per dwelling unit shall be provided.
- (b) Ten percent of the total number of spaces required shall be clearly marked for visitors' parking, at least 70 percent of which shall accommodate standard size vehicles.

(2) Parking Space Dimensions.

- (a) The standard car parking spaces shall be a minimum of **9-feet** wide by **19-feet** long. Covered or uncovered parking spaces located adjacent to walls or support columns shall be increased in width by at least 1-foot on the effected side(s), to accommodate door swing. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.
- (b) The minimum garage door width shall be 16-feet for a two-car garage and 8-feet for a **one**-car garage. All new garage doors shall be sectional roll-up doors.
- (c) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet, with the exception of garage door openings which shall provide a minimum unobstructed vertical clearance of 6 feet 6 inches.

(3) Parking Space Locations.

- (a) Off-street parking areas not located under buildings shall be located behind the primary building(s) in order to enhance the streetscape. (Exceptions may be considered based on topography, size or shape of the parcel, adjacent development, size of the project, or amount of landscaping.)
- (b) Parking spaces shall not be located within the required front yard or side street yard setback or within 5 feet of any side or rear yard property line or primary building(s). Parking spaces shall be setback 7 feet to a property line or primary building if a 2-foot vehicular overhang is used, or 7 feet 6 inches if a 2-foot **6-inch** vehicular overhang is used. An exception may be made for lots less than 51 feet in width, in which case parking and vehicular circulation may be located to within 3 feet of a side property line.
- (c) Parking spaces shall not be located further than 200 feet from the dwelling unit they are required to serve, unless **waived** by the Planning Director.

(4) Driveways and Paving.

- (a) The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.
- (b) In no case should a driveway exceed one-third of the width of the property frontage width or 35 feet. An exception may be made for lots less than 72 feet in width, in which case a driveway may be a maximum of 24 feet in width. For lots more than 70 feet in width, a greater driveway width, not exceeding 35 feet, may be approved by the Planning Director if it is determined that the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development, and will not create a pedestrian or vehicular hazard.
- (c) Parking surfaces and driveways 40 feet or less in length shall be paved with Class B Portland Cement concrete. Subject to approval of Planning Director, driveways exceeding 40 feet in length may be paved with asphaltic concrete or comparable all-weather dustless material(s), such as bricks or pavers.

(5) Driveway Aisle Dimensions.

The minimum parking lot driveway aisle width shall be 26 feet for a two-way standard car aisle and 20 feet for a compact car aisle.

(6) Driveway Turnaround Requirement.

Lots that front on a major or secondary arterial street and/or where driveways exceed 40 feet in length shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction, unless waived by the Planning Director or other approving authority.

(7) Driveway Security Gates.

Refer to Section 10-2.626 of the Off-Street Parking Regulations.

(8) Emergency Vehicle Turn-Around Requirement.

Where the farthest point of a dwelling unit(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)

(9) Private Street Criteria.

Refer to the Standard Details and Section 10-1.2400 for design criteria and standards.

o. **Parking, Storage, Display, and Vehicle Repair Requirements.**(1) Display and Sale of Motor Vehicles.

Display for sale of one motor vehicle, boat, trailer, motorhome, or other vehicle is permitted as an accessory residential use, provided said vehicle is registered to a person who currently resides on the property.

(2) Prohibited Storage.

Parking or storage of truck tractors or vehicles that are not self-propelled (trailers, boats mounted on trailers, and other vehicles or equipment of similar kind and use) are prohibited on multiple-family property, except within designated storage areas approved as part of the site plan review, use permit, planned development or building permit.

(3) Vehicle and Boat Repair.

It shall be **unlawful** and a public nuisance for any person to engage in, or any property owner to allow to occur, vehicle or boat repair in any residential zone:

- (a) Upon any vehicle which is not registered to a current occupant of the premises where the work is being performed.
- (b) Upon more than two (2) vehicles at one time on the same premises or by the same person.
- (c) Outside a fully enclosed structure for uses defined as major automobile repair as defined in this Ordinance.
- (d) Home repair may be performed outside a fully enclosed structure where elapsed time between the beginning and end of the repair does not exceed forty-eight (48) hours.
- (e) Vehicle painting, other than spot painting, shall not be permitted in residential zones.

p. **Retaining Walls.**

- (1) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.
- (2) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.
- (3) Any additional, successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.
- (4) The sides of exposed exterior retaining walls shall be architecturally treated as approved by the Planning Director.
- (5) The Planning Director may administratively alter or waive any wall requirement, if, in the Planning Director's opinion, no practical alternative exists, the purpose of the regulation will not be compromised, and no detrimental impact will result.

q. **Roof-Mounted Equipment.**

Roof-mounted equipment, satellite dishes, support structures and similar devices shall be screened from public view as required by the Planning Director or other approval authority.

r. **Signs.**

- (1) Multiple-family complex identification signs shall be permitted in accordance with Hayward Sign Ordinance.
- (2) Garage/yard sale signs shall be permitted in accordance with the Hayward Sign Ordinance.
- (3) No sign(s) shall be permitted which identify a home occupation business within a dwelling unit.

s. **Storage Closets.**

All multiple-family dwelling units shall have an enclosed storage closet located within the garage, patio or deck area, unless the Planning Director or other approving authority, determines an alternative site is acceptable. Storage closets shall each have a minimum of 90 cubic feet storage space.

t. **Swimming Pools, Hot Tubs and Spas.**

May be located in any yard other than the required front or side street yard, provided that no wall line of a swimming pool, hot tub or spa shall be closer than 5 feet from any building on an abutting lot, nor closer than 5 feet from any property line.

u. **Trash and Recycling Facilities.**

- (1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof consistent and compatible with the design of the primary building on the site.
- (2) Shall be located no further than 200 feet from a dwelling unit unless the site topography is such that adhering to this standard would interfere with the collection of trash.
- (3) Shall have a covered roof.

## **SEC. 10-1.600 RESIDENTIAL-OFFICE DISTRICT (RO)**

### Sections:

- Section 10-1.605 Purpose.
- Section 10-1.610 Subdistricts.
- Section 10-1.615 Uses Permitted.
- Section 10-1.620 Conditionally Permitted Uses.
- Section 10-1.625 Lot Requirements.
- Section 10-1.630 Yard Requirements.
- Section 10-1.635 Height Limit.
- Section 10-1.640 Site Plan Review Required.
- Section 10-1.645 Minimum Design and Performance Standards.

### **SEC. 10-1.605 PURPOSE.**

The purpose of the Residential-Office District is to protect the residential amenity of areas with a mix of residential and office use. The scale and form of **office** buildings, the scale and siting of office parking, **office** traffic generation, and hours of operation should not detract from adjacent or future residential use.

### **SEC. 10-1.610 SUBDISTRICTS.**

Any combining B District (See Section 10-1.2400).

### **SEC. 10-1.615 USES PERMITTED IN THE RO DISTRICT.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the **Planning Director**, are permitted in the RO District.

(1) **Residential Uses.**

- (a) Boarding Home.
- (b) Group home. (See definition #105)
- (c) Multiple-family dwelling.
- (d) Single-family dwelling.

(2) **Other Uses.**

- (a) Day care home. (State-Licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)
- (b) Public agency facilities. (See definition #180)

- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the RO District:

(1) **Residential Uses.**

- (a) Attached second dwelling unit. (Also referred to as a “Granny **Unit.**” See Section 10-1.645 for criteria)
- (b) Second single-family dwelling. (Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be

constructed provided the minimum development standards (lot size, setbacks, height, etc., can be met for each dwelling)

- (2) Other Uses.
  - (a) Accessory buildings and uses. (See Section 10.1645)
  - (b) Garage sales. (4 per year per dwelling. See Section 10-1.645)
  - (c) Home Occupation. (See definition #111)
  - (d) Household pets. (max. 4 cats and 4 dogs. See Section 10-1.2735.f. and definition #170)

#### **SEC. 10-1.620 CONDITIONALLY PERMITTED USES.**

a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the RO District subject to approval of an administrative use permit:

- (1) Residential Uses.  
None.
- (2) Administrative and Professional Offices - Less than 1,000 square feet.
  - (a) Accounting and financial offices.
  - (b) Architectural and engineering offices.
  - (c) Chiropractic or acupuncture office.
  - (d) Insurance and real estate offices.
  - (e) Law offices.
  - (f) Medical and dental offices.
  - (g) Travel and airline agency offices.
- (3) Other Uses.
  - (a) Home occupation - expanded. (See definition #112)

b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the RO District subject to approval of a conditional use permit:

- (1) Residential Uses.  
None.
- (2) Administrative and Professional Offices - More than 1,000 square feet.
  - (a) Accounting and financial offices.
  - (b) Architectural and engineering offices.
  - (c) Chiropractic or acupuncture office.
  - (d) Insurance and real estate offices.
  - (e) Law offices.
  - (f) Medical and dental offices.
  - (g) Travel and airline agency offices.
- (3) Other Uses.
  - (a) Bed and breakfast inn.
  - (b) Convalescent home.
  - (c) Cultural facility.
  - (d) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff,)
  - (e) Educational facility.
  - (f) Recreational facility.

(g) Religious facility.

### **SEC. 10-1.625 LOT REQUIREMENTS.**

- a. Minimum Lot Size:
  - (1) Interior Lot 5,000 square feet.
  - (2) Corner Lot 6,000 square feet.
- b. Minimum Lot Area Per Dwelling Unit: Same as permitted in RM or RH Districts, whichever is consistent with the General Policies Plan and Neighborhood Plan
- c. Minimum Lot Frontage: 35 feet.
- d. Minimum Average Lot Width:
  - (1) Interior Lot. 50 feet.
  - (2) Corner Lot. 60 feet.
- e. Maximum Lot Coverage: 50 percent.
- f. Minimum Lot Depth: 100 feet.
- g. Special Lot Requirements and Exceptions: See Section 10-1 .2720.

### **SEC. 10-1.630 YARD REQUIREMENTS.**

- a. Minimum Front Yard: 10 feet.
- b. Minimum Side Yard: 5 feet.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.
- e. Special Yard Requirements and Exceptions: See Section 10-1 .2725.

### **SEC. 10-1.635 HEIGHT LIMIT.**

- a. Maximum Building Height Permitted: 40 feet..
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard 4 feet
  - (2) Side and Rear Yard 6 feet
 (Also see Section 10-1.545 for additional standards).
- d. Special Height Requirements and Exceptions : See Sections 10-1 .2730.

### **SEC. 10-1.640 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences ,) in certain circumstances.

**SEC. 10-1.645 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the RO District, including but not limited to cultural, educational, religious or recreational facilities.

a. Single-family dwelling.

For single-family dwellings, additions, accessory buildings and uses refer to the development criteria and standards contained in the RS District, Section 10-1.200.

b. Multiple-family dwelling.

For multiple-family dwellings, additions, accessory buildings and uses refer to the development criteria and standards contained in the RM or RH Districts, Sections 10-1.400 and 10-1.500, whichever is most consistent with the General Policies Plan and Neighborhood Plan.

c. Offices Uses.

For commercial buildings and uses refer to the development criteria and standards contained in the CN District, Section 10-1.800.

## SEC. 10-1.700 MOBILE HOME PARK DISTRICT (MH)

### Sections:

- Section 10-1.705 Purpose.
- Section 10-1.710 Subdistricts.
- Section 10-1.715 Uses Permitted.
- Section 10-1.720 Conditionally Permitted Uses.
- Section 10-1.725 Lot Requirements.
- Section 10-1.730 Yard Requirements.
- Section 10-1.735 Height Limit.
- Section 10-1.740 Site Plan Review Required.
- Section 10-1.745 Minimum Design and Performance Standards.

### SEC. 10-1.705 PURPOSE.

The MH District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable living environment for the occupants of mobile homes.

### SEC. 10-1.710 SUBDISTRICTS.

None.

### SEC. 10-1.715 USES PERMITTED.

- a. **Primary uses.**  
Mobile home(s).
- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the MH District:
  - (1) Accessory buildings and uses. (See Section 10-1.2700)
  - (2) Garage sale. (4 per year per dwelling. See Section 10-1.2700)
  - (3) Home occupation. (See definition #111)
  - (4) Household pets. (max. 4 cats and 4 dogs. See Section 10-1.2735.f and definition #170)
  - (5) Sales and display of mobile homes.

### SEC. 10-1.720 CONDITIONALLY PERMITTED USES.

None.

### SEC. 10-1.725 LOT REQUIREMENTS.

- a. Minimum Lot Size: 7 acres.
- b. Minimum Lot Frontage: 200 feet.
- c. Minimum Average Lot Width: 200 feet.
- d. **Maximum Lot Coverage Permitted: 40 percent.**

**SEC. 10-1.255 SEC. 10-1.730 YARD REQUIREMENTS.**

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 10 feet.
- c. Minimum Side Street Yard: 20 feet.
- d. Minimum Rear Yard: 10 feet.

**SEC. 10-1.256 SEC. 10-1.735 HEIGHT LIMIT.**

- a. Maximum Building Height: **40** feet,
- b. Maximum Accessory Building Height: **14** feet and one story.
- c. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard 4 feet
  - (2) Side and Rear Yard 6 feet
 (Also see Section 10-1.2730 for additional standards).
- d. Special Height Requirements and Exceptions: See Sections 10-1.2730.

**SEC. 10-1.740 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences,) in certain circumstances.

**SEC. 10-1.745 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

None.

## SEC. 104.800 NEIGHBORHOOD COMMERCIAL DISTRICT (CN)

Sections:

Section 10-1.805 **Purpose.**

Section 10-1.810 Subdistricts.

Section 10-1.815 Uses Permitted.

Section 10-1.820 Conditionally Permitted Uses.

Section 10-1.825 Lot Requirements.

Section 10-1.830 Yard Requirements.

Section 10-1.835 Height Limit.

Section 10-1.840 Site Plan Review Required.

Section 10-1.845 Minimum Design and Performance Standards.

### SEC. 10-1.805 PURPOSE.

The CN District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained, in order to make provision for a number of areas throughout the City carefully located in relationship to other Commercial Districts and to the Residential Districts served. The products and services intended are those primarily represented by convenience goods and services purchased frequently.

### SEC. 10-1.810 SUBDISTRICTS.

Any combining B or SD District (See Sections 10-1.2400 and 10-1.2600).

### SEC. 10-1.815 USES PERMITTED.

a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CN District as primary uses.

(1) Administrative and Professional Offices/Services.

- (a) Accounting and financial offices.
- (b) Architectural and engineering offices.
- (c) Banks and financial institutions.
- (d) Chiropractic and acupuncture offices.
- (e) Insurance and real estate offices.
- (f) Law offices.
- (g) Medical and dental offices.
- (h) Travel and airline agency offices.

(2) Automobile Related Uses.

- (a) Automobile parts store.
- (b) Automobile brokerage office. (See definition #23.)

(3) Personal Services.

- (a) Barber or beauty shop.
- (b) Dance studio.
- (c) Dry cleaner/laundry.
- (d) Martial arts studio.
- (e) Music studio.

- (f) Nail salon.
- (g) **Palm** reading service.
- (h) Photography studio.
- (i) Physical fitness studio.
- (j) Shoe repair shop.
- (k) Tailor/seamstress shop.

(4) Residential Uses.

(a) Group Home

(Above first floor commercial uses only; see definition #105)

(b) Residential dwelling unit(s).

(Above first floor commercial uses only)

(5) Retail Commercial Uses.

- (a) Antique store.
- (b) Appliance store.
- (c) Art and art supplies store.
- (d) Bakery.
- (e) Bicycle shop.
- (f) Bookstore.
- (g) Camera store.
- (h) Card shop.
- (i) Carpet/drapery store.
- (j) Clothing store.
- (k) Coffee/espresso shop.
- (l) Delicatessen.
- (m) Fabric store.
- (n) Floral shop.
- (o) Furniture store.
- (p) Garden supplies store.
- (q) Gift shop.
- (r) Hardware store.
- (s) Jewelry store.
- (t) Locksmith shop.
- (u) Music store.
- (v) Nursery (plant).
- (w) Paint/wallpaper store.
- (x) Pet grooming shop.
- (y) Pet store.
- (z) Plumbing and heating store.
- (aa) Restaurant.

(Where not abutting a residential district or property and no bar)

- (bb) Sporting goods store.
- (cc) Stationary store.
- (dd) Supermarket.
- (ee) Theater.
- (ff) Toy store.
- (gg) Variety store.
- (hh) Video sales and rental store.

(6) Service Commercial Uses.

- (a) Copying or reproduction facility.
- (b) Mailing or facsimile service.

- (c) Reverse vending machine(s). (When located within a convenience zone)
- (7) Other Uses.
  - (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
  - (b) Catering facility.
  - (c) Christmas tree or pumpkin patch lot. (See Section 10-1 .2735.(d) for standards)
  - (d) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)
  - (e) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff)
  - (f) Public agency facilities.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the CN District:

- (1) Accessory buildings and uses. (See Section 10.1.845)
- (2) Garage sales. (4 per year per dwelling. See Section 10-1 645)
- (3) Home Occupation. (See definition #111)
- (4) Household pets. (max. 4 cats and 4 dogs. See Section 10-1.2735.f. and definition #170)

#### **SEC. 10-1.820 CONDITIONALLY PERMITTED USES.**

a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director are permitted in the CN District, subject to approval of an administrative use permit:

- (1) Administrative and Professional Offices/Services.
  - (a) Medical/dental laboratory.
  - (b) Check cashing store.
- (2) Automobile Related Uses.
  - Parking lot.
- (3) Personal Services.
  - (a) Health Club.
  - (b) Suntan parlor.
- (4) Residential Uses.
  - None.
- (5) Retail Commercial Uses.
  - Restaurant. (Where abutting a residential district or property)
- (6) Service Commercial Uses.
  - (a) Appliance service and repair shop. (Not ancillary to a primary use)
  - (b) Recycling collection area. (When located within a convenience zone)
- (7) Other Uses.
  - (a) Animal hospital.
  - (b) Animal grooming service.
  - (c) Ambulance service.
  - (d) Carnival.
  - (e) Outdoor gathering. (Refer to Section 10-1. 2735. (h))

(f) Temporary use.

(i.e., Parking lot or tent sale)

b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CN District, subject to approval of a conditional use permit:

(1) Administrative and Professional Offices/Services.

None.

(2) Automobile Related Uses.

(a) Automobile repair – minor.

(See Section 10-1.845 for special requirements)

(b) Automobile service station.

“

“

(c) Car wash.

“

“

(d) Drive-in establishments.

“

“

(3) Personal Services.

(a) Massage parlor.

(b) Tattoo parlor.

(4) Residential Uses.

None.

(5) Retail Commercial Uses.

(a) Bar, Cocktail lounge.

(See Section 10-1.2735.b. for regulations of ‘alcohol)

(b) Dance or night club.

“

“

(c) Convenience market.

“

“

(d) Liquor store.

“

“

(6) Service Commercial Uses.

None.

(7) Other Uses.

(a) Banquet hall.

(When abutting a residential district or property. See Section 10-1.2735.b. for regulations of alcohol)

(b) Cultural facility.

(c) Educational facility.

(d) Recreational facility.

(e) Religious facility.

**SEC. 10-1.825 LOT REQUIREMENTS.**

a. Minimum Lot Size:

6,000 square feet.

b. Minimum Lot Area per Dwelling Unit:

As permitted in RM or RH Districts, whichever is consistent with the General Policies Plan Map and Neighborhood Plan.

c. Minimum Lot Frontage:

60 feet.

d. Minimum Average Lot Width:

60 feet.

e. Maximum Lot Coverage:

90 percent.

f. Minimum Lot Depth:

100 feet.

g. Special Lot Requirements and Exceptions:

See Section 10-1.2720.

**SEC. 10-1.830 YARD REQUIREMENTS.**

a. Minimum Front Yard:

10 feet.

b. Minimum Side Yard:

None.

c. Minimum Side Street Yard:

10 feet.

- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision: The side or rear yard for any primary structure in a CN District shall be the same as the abutting District; where abutting any R, A, MH, OS, or residential PD district, the side yard shall be a minimum of 10 feet.
- f. Special Yard, Requirements and Exceptions: See Section 10-1.2725.

#### **SEC. 10-1.835 HEIGHT LIMIT.**

- a. Maximum Building Height : 40 feet.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
- (1) Front and Side Street Yard 4 feet.
  - (2) Side and Rear Yard 6 feet.
- (Also see Section 10-1.845 for additional standards).
- d. Special Height Requirements and Exceptions: See Section 10-1.2730.

#### **SEC. 10-1.840 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

#### **SEC. 10-1.845 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of commercial districts and neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the CN District, including but not limited to cultural, educational, religious or recreational facilities.

- a. **Multiple-family dwelling.**  
For multiple-family dwellings refer to the criteria and standards contained in the RM or RH Districts, whichever is most consistent with the General Policies Plan Map and Neighborhood Plan.
- b. **Commercial Buildings and Uses.**  
For commercial buildings and uses refer to the design criteria contained in the City of Hayward Design Guidelines, the Hillside Design and **Urban/Wildland** Interface Guidelines and the following specific criteria and standards.
- c. **Accessory Buildings, Detached.**  
Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:
- (1) Shall not exceed one story or 14 feet in height.
  - (2) Shall use exterior building materials and colors which either match or are compatible with the

primary building. Special design consideration should be given to structures visible from a public street.

- (3) Shall not be located in a required front yard or side street yard.
- (4) Shall be setback a minimum of 5 feet from a side or rear property line.
- (5) Shall not be located in front of a primary building, unless no other practical alternative exists.
- (6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building.
- (7) The area of all accessory buildings, either individually or cumulatively shall not exceed 50 percent of the ground floor area of the primary building.
- (8) Accessory buildings shall not cumulatively exceed 40% coverage of a required rear yard.
- (9) Accessory buildings may include a bathroom but shall not be used for habitable living spaces.

**d. Accessory Structures, Decorative.**

Detached decorative accessory structures, including but not limited to arbors, rain and shade covers and tents (made of canvas or other fabric), trellises, etc., shall meet the following criteria:

- (1) Shall not exceed one story or 14 feet in height.
- (2) Shall use exterior materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
- (3) Shall not be located in a required front yard or side street yard.

**e. Additions and Accessory Structures Attached to Primary Building.**

Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building, including the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

**f. Adult Entertainment Activity.**

Refer to Section 10-1.2735.a. for Adult Entertainment Activity Regulations.

**g. Alcoholic Beverage Outlets.**

Refer to Section 10-1.2735.b. for Alcoholic Beverage Outlet Regulations.

**h. Antennas and Satellite Dishes and Telecommunications Devices.**

Refer to the Antenna and Telecommunications Facilities Ordinance for regulations of antennas, satellite dishes and telecommunications devices.

**i. Architectural Projections into Yards.**

Architectural features such as bay windows, cornices and eaves may extend 2 feet into any required yard.

**j. Decks and Ramps.**

- (1) Decks and ramps 12 inches or less in height may be located in any yard.
- (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.
- (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
- (4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.
- (5) Ramps for persons with physical disabilities providing access to single-family dwellings shall

be constructed in a side yard where possible. If constructed in the front yard shall be decorative, and materials used shall match the home as much as possible. Landscape screening shall be provided along the sides of the ramp.

k. **Fences, Hedges, Walls.**

- (1) Fences, hedges and walls shall require approval by Planning Director or other approving authority, as determined by the Planning Director.
- (2) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.
- (3) A masonry wall not less than 6 feet in height, shall be required where any commercial district abuts any R, A, MH, OS, residential PD District, or other district where there is conforming residential development on the first floor (except adjacent to a required front or side street yard or abutting a street right-of-way). The masonry wall shall be constructed and maintained along the interior lot lines of such district abutted unless waived or another material is approved by the approving authority because the abutting activity or use is nonconforming, or the commercial activity or use is of low intensity and any impact can be otherwise mitigated.
- (4) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence. For fences and walls required to be at least 6 feet high or greater, the height shall be at least the required on both sides of the fence or wall.
- (5) Barb or razor wire or similar security fencing shall no be less than 6 feet above ground along a common property line of a residential property. Such fencing shall not exceed 3 feet in height and where used shall be angled away from the residential property
- (6) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.

l. **Grading.**

All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

m. **Landscaping.**

(1) **Landscape Areas.**

- (a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
- (b) Parking is prohibited within required front and side street yards. Where no front or side street yards are required:
  - (i) A landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the approving authority, shall be installed between accessory parking areas and all existing or future street rights-of-way; and
  - (ii) The area between all buildings and existing or **future** street rights-of-way shall be landscaped unless waived by the approving authority.
- (c) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or

decorative rock shall not be allowed in required landscape areas.

- (d) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.

(2) Buffer Trees/Landscaping.

- (a) A minimum of one **15-gallon** buffer tree shall be planted for every 20 lineal feet of property line, where a required side or rear yard abuts an A, R, MH, OS, or residential PD District.
- (b) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.

(3) Parking Lot Trees/Planters.

- (a) Parking areas shall include a minimum of one E-gallon parking lot tree for every six parking stalls, except where restricted because of design constraints.
- (b) Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- (c) The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.
- (d) The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.
- (e) Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous **30-inch-high** screen within 2 years.

(4) Street Trees.

- (a) Street trees shall be planted along all street frontages at a minimum of one **24-inch** box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.

(5) Landscaping Near BART.

- (a) Parcels abutting, or within 500 feet and in direct view from the BART right-of-way shall include a minimum 10-foot wide landscape strip along the property line(s) abutting or in view from the BART right-of-way.
- (b) A minimum of one **15-gallon** buffer tree shall be planted for every 20 lineal feet of property line. The approving authority may waive the requirement if it would not accomplish the intent of City policies as they relate to landscaping due to existing structures or other obstructions to viewing landscaping.

(6) Irrigation.

Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.

(7) Tree Preservation.

- (a) Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period.
- (b) A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured two feet above the ground.

(8) Maintenance.

- (a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.
- (b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

n. **Lighting, Exterior.**

Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights of way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.

o. **Parking, Driveways and Paving.**

Parking, driveways and paving for commercial uses shall be provided in accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

(1) **Parking Spaces Required.**

Refer to the specific parking space requirements contained in the Off-Street Parking Regulations.

(2) **Parking Space Dimensions.**

(a) Standard car parking spaces shall be a minimum of 9 feet wide by 19 feet long.

(b) Compact car parking spaces shall be a minimum of 9 feet wide by 15 feet long.

(c) Covered or uncovered parking spaces located adjacent to walls or support columns shall be increased in width by at least one foot on the effected side(s), to accommodate door swing.

(d) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.

(3) **Parking Space Locations.**

(a) Parking spaces shall not be located within the required front yard or side street yard setback.

(b) Parking spaces and driveways, not located under a building may be located in a required side and rear yard, but shall not be located within 5 feet of any side or rear yard property line or building. Unless wheel-stops are used, curbing for standard car or compact car parking spaces shall be setback 7 feet 6 inches and 7 feet, respectively, from a property line or building if a vehicular overhang is used.

(c) For lots less than 51 feet in width, parking and vehicular circulation may be located to within three feet of a side property line.

(4) **Driveways and Paving.**

(a) The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.

(b) In no case should a driveway exceed one-third of the width of the property frontage width or 35 feet.

(c) Parking and driveway surfaces shall be paved with asphaltic surface or comparable all-weather dustless material(s), such as bricks or pavers, as approved by Planning Director.

(5) **Driveway Aisle Dimensions.**

The minimum parking lot driveway aisle width shall be 26 feet for a two-way standard car aisle and 20 feet for a compact car aisle.

(6) **Driveway Turnaround Requirement.**

All commercial property shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction.

(7) **Driveway Security Gates.**

Refer to Section 10-2.626 of the Off-Street Parking Regulations.

(8) **Emergency Vehicle Turn-Around Requirement.**

Where the farthest point of a structure(s) is located 150 feet or more from the point of street access, a mm-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further

details or alternative design considerations contact the Fire Prevention Bureau.)

(9) Private Street Criteria.

Refer to the Standard Details and Section 10-1.2735 .i. for design criteria and standards.

**p. Outdoor Storage.**

All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site; storage is not placed within required yard or parking areas, and the storage is compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).

**q. Retaining Walls.**

- (1) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.
- (2) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.
- (3) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.
- (4) The sides of exposed exterior retaining walls shall be architecturally treated as approved by the Planning Director.
- (5) The Planning Director may administratively alter or waive any wall requirement, if, in the Planning Director's opinion, no practical alternative exists, the purpose of the regulation will not be compromised, and no detrimental impact will result.

**r. Roof-Mounted Equipment.**

Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view as required by the Planning Director or other approval authority. necessary.

**s. Signs.**

Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, shall not be hazardous to vehicular traffic, and shall be of a quality conducive to the development of commerce. , the Sign Ordinance for specific regulations.

**t. Surfacing.**

All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.

**u. Trash and Recycling Facilities.**

- (1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.
- (2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.
- (3) Shall have a covered roof.

v. **Drive-in Establishments - Special Standards and Conditions.**(1) Location and Design Criteria.

In addition to the minimum Commercial Development Standards, the following requirements shall apply:

- (a) Use permit applications for drive-in establishments in addition to standard requirements shall include the following information: a map and brief description of similar uses within a one-mile radius of the site; number and location of similar uses, indicating the location of all uses under the same brand name or franchise.
  - (b) Drive-in uses shall not be located across a street from residential zoning districts, unless at least one street abutting the site is an arterial or major street and pedestrian safety measures are provided as determined necessary. This provision does not apply to commercial off-street parking lots.
  - (c) Access to drive-in uses shall not be located next to the access to schools, **parks**, playgrounds, libraries, churches and other public and semi-public uses if pedestrian safety hazards would result.
  - (d) Exterior storage and display of goods for sale or rent is not allowed.
  - (e) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a planter at least 10 feet wide shall be installed parallel to the street right-of-way or precise plan line except where the use is a drive-in restaurant, then a 15-foot-wide landscaped setback is required.
  - (f) A minimum of 20 percent of the total site area shall be landscaped.
  - (g) Except for driveways, corner lots shall have a landscaped triangular area formed by the street right-of-way lines and a line connecting them at points 30 feet from the rear or projected point of intersection of the street right-of-way line. (See Article 9, Hayward Traffic Code for visibility requirements.)
  - (h) Fencing and Screening - Except for areas used for traffic circulation, or except where the drive-in functions as part of a larger development, for example, a shopping center where there is shared parking or access, a uniformly painted fence or masonry wall shall be maintained along all interior lot lines. Where any interior lot line abuts an R, A, MH, OS, or residential PD District, or a lot with residential uses, a masonry wall shall be constructed. The wall shall be at least 6 feet high but not exceed 8 feet, except within the required yard area abutting a right-of-way or precise plan line, in which case it shall not exceed four feet in height at grade measured on either side of the fence.
  - (i) Where a drive-through aisle is located between the right-of-way and the primary structure, low shrubs and/or berms shall be installed within the landscape setback for visual buffering.
- (2) Requirements for Existing Drive-In Uses.  
An operator of an existing drive-in use who applies for a new use permit or modifications to an existing use permit shall conform to as many of the design and site plan standards for new uses as possible within the limits of the existing site layout and structural location.
- (3) Performance Standards for Drive-In Uses.  
Drive-in uses shall be operated in a manner which does not interfere with the normal use of adjoining properties. If in the opinion of the Planning Director the provisions of this paragraph are being violated, the violations shall be grounds for reopening use permit hearings and adding conditions to control the violation. **Performance** standards include, but are not limited to, the following considerations, which, where appropriate, shall be incorporated as conditions of approval in all use permits as determined by the Planning Commission:
- (a) Noise levels measured at the property line shall not exceed the level of background noise normally found in the area or 65 decibels, whichever is greater. Loud speakers shall not be audible from residentially zoned and developed properties.

- (b) The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties. For drive-in restaurants or other uses which typically generate trash or litter, adequate trash containers, as determined by the Planning Director, shall be required and employees shall be required daily to pick up trash or litter originating from the site upon the site and within 300 feet of the perimeter of the property.
  - (c) Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For purposes of this section, the usual operating hours shall be considered to be between 6.30 a.m. and 11.00 p.m. on weekdays and 7:00 a.m. to 1:00 a.m. on weekends.
  - (d) No undesirable odors shall be generated on the site.
  - (e) The on-site manager of the use shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.
  - (f) A copy of these performance standards and all conditional use permit conditions of approval shall be posted along side the necessary business licenses and be visible at all times to employees.
- (4) Automobile Service Stations - Additional Design Criteria.
- (a) The following operations are prohibited in conjunction with the operation of an automobile service station: auto body repair, major mechanical repair, and outside display of new or used vehicles or parts for sale.
  - (b) Exterior display of goods for sale or rent is not permitted, except the following uses which are subject to design and location approval:
    - (i) Vending machines.
    - (ii) Oil display cabinets.
    - (iii) Tire displays.
  - (c) Entry to lubrication bays and/or service areas shall be designed to minimize the impact on adjacent residential uses.
  - (d) Minimum facilities required:
    - (i) Two restrooms open to the public, one for each sex;
    - (ii) Equipment and storage area adequate to provide for operation and maintenance of station;
    - (iii) Minimum of one air and water outlet and window washing equipment and towels.
  - (e) Minimum Site Requirements:
    - (i) Building site: 20,000 square feet.
    - (ii) Frontage on one street: 140 feet. In the case of corner lots, frontage will be measured to the extension of the intersecting property lines
    - (iii) Setback for fuel pump islands: a distance equal to 15 percent of the depth of the lot, or 20 feet, whichever is less, measured from the street right-of-way or precise plan line.
  - (f) Automobile service stations engaged in the concurrent sale of fuel and alcoholic beverages shall be permitted only with approval of a Conditional Use Permit, and shall comply with the following standards:
    - (i) There shall be no display of alcoholic beverages within five feet of the cash register unless in a permanently affixed cooler.
    - (ii) Advertising of alcoholic beverages at motor vehicle fuel island is prohibited.
    - (iii) There shall be no sale of alcoholic beverages from a drive-in window.
    - (iv) Alcoholic beverages shall not be displayed or sold from an ice tub.
    - (v) Advertising of liquor on motor fuel island is prohibited.
    - (vi) Self-illuminated advertising for liquor on buildings or windows is prohibited.
    - (vii) Employees on duty between the hours of 10 p.m. and 2 a.m. shall be at least 21 years

of age to sell alcoholic beverages.

(5) Drive-Through Restaurants.

- (a) Drive-in or drive-through restaurants shall be prohibited within ½-mile radius of one another as measured from the building walls of existing or proposed buildings.
- (b) For each drive-in restaurant a bicycle rack shall be installed with a capacity for at least five bicycles.
- (c) Drive-through lanes installed in connection with drive-in restaurants shall have a capacity for at least eight vehicles, at 20 feet per vehicle.
- (d) Pedestrian circulation areas located within drive-in restaurant developments with drive-up windows shall consist of decorative paving such as brick, paving stones, or Bomanite.
- (e) Access to bathroom facilities located within drive-in restaurant developments shall be from within the structure, with no direct access from the parking area.
- (f) Roof lights, refrigeration units or other extraneous features which are not integral parts of the main structure, inflexible building prototypes which result in an ability to meet setback and compatibility requirements, and unattractive building elevations visible to customers or passersby are prohibited.
- (g) Identification signs for drive-in restaurants (excluding directional signs and the menu board) shall be limited to one monument sign not to exceed 10 feet in height and 36 square feet per face and two wall signs with letters not to exceed 18 inches in height. Total area for wall signs may include logos not to exceed 24 inches in height.
- (h) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a landscaped setback at least 15 feet wide shall be installed parallel to the street right(s) of way or precise plan line(s) and on interior property lines where drive-through aisles abut residential zoning districts.
- (i) Minimum building site (lot area or lease area) shall be 25,000 square feet in area.
- (j) Drive-through aisles shall not be located between the building and the right-of-way and pick-up windows shall not face the right-of-way unless their visibility is minimized through the use of innovative building architecture and mounded or **bermed** landscaping to minimize their visual impact from the street. Menu board shall be placed so as to not be visible from the street.
- (k) Drive-through restaurants shall have an architectural theme that is unique for a given area as specified by City standards and policies or as determined by the Planning Director; franchise architecture shall be avoided where possible.

(6) Drive-Through Coffee/Esspresso Shops

- (a) Drive-through coffee/esspresso shops shall be prohibited within ½-mile radius of one another as measured from the building walls of existing or proposed buildings.
- (b) Drive-through coffee/esspresso shop buildings shall not exceed 500 square feet in area.
- (c) Drive-through lanes for drive-up windows shall have a capacity for at least two vehicles, at 20 feet per vehicle.
- (d) Drive-through lanes shall consist of decorative paving such as brick, paving stones, or Bomanite.
- (e) Public bathroom facilities shall be provided inside the drive-through building, unless public bathroom facilities are located within 200 feet on the same property and are accessible during coffee shop business hours.
- (f) Roof lights, refrigeration units or other extraneous features which are not integral parts of the main structure, inflexible building prototypes which result in an ability to meet setback and compatibility requirements, and unattractive building elevations visible to customers or passersby are prohibited.
- (g) Identification signs for drive-through coffee/esspresso shops shall comply with the Hayward

Sign Ordinance and shall be limited to one monument sign not to exceed 6 feet in height and two wall signs with letters not to exceed 18 inches in height. Total area for wall signs may include logos not to exceed 24 inches in height.

- (h) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a landscaped setback at least 10 feet wide shall be installed parallel to the street right of way or precise plan line and on interior property lines where drive-through aisles abut residential zoning districts.
- (i) Minimum building site (lot area or lease area) shall be sufficient to accommodate the building and required circulation, maneuvering and parking.
- (j) Drive-through aisles and pick-up windows may be located between the building and the right-of-way, but their visibility should be minimized through the use of innovative building architecture and mounded or ~~bermed~~ landscaping to minimize their visual impact from the street. Menu board(s) shall be placed so as to not be visible from the street.
- (k) Drive-through coffee/espresso shops shall have an architectural theme that is unique for a given area as specified by City standards and policies or as determined by the Planning Director; franchise architecture shall be avoided where possible.

--- GRAPHIC INSERT ---

For Drive-through restaurants



## SEC. 10-1.900 NEIGHBORHOOD COMMERCIAL-RESIDENTIAL DISTRICT (CN-R)

Sections:

- Section 10-1.905 Purpose.
- Section 10-1.910 Subdistricts.
- Section 10-1.915 Uses Permitted.
- Section 10-1.920 Conditionally Permitted Uses.
- Section 10-1.925 Lot Requirements.
- Section 10-1.930 Yard Requirements.
- Section 10-1.935 Height Limit.
- Section 10-1.940 Site Plan Review Required.
- Section 10-1.945 Minimum Design and Performance Standards.

### SEC. 10-1.905 PURPOSE.

The CN-R District allows a mixture of neighborhood serving businesses and residences along portions of certain arterials in order to provide options for housing with ready access to shops and transit. The CN-R District encourages joint development of narrow lots along arterials in order to minimize curb cuts and maximize architectural continuity. The CN-R District adjusts parking and open space requirements to reflect the characteristics of mixed-use development along arterials.

### SEC. 10-1.910 SUBDISTRICTS.

SD1 and SD2 (See Section 10-1.2600).

### SEC. 10-1.915 USES PERMITTED.

- a. **Primary Uses.** The following uses, or uses determined by Planning Director, are permitted in the CN-R District as primary uses.
  - (1) **Administrative and Professional Offices/Services.**
    - (a) Accounting and **financial** offices.
    - (b) Architectural and engineering offices.
    - (c) Banks and financial institutions.
    - (d) Chiropractic or acupuncture office.
    - (e) Insurance and real estate **offices**.
    - (f) Law offices.
    - (g) Medical and dental **offices**.
    - (h) Travel and airline agency offices.
  - (2) **Automobile Related Uses.**
    - (a) Automobile parts store.
    - (b) Automobile brokerage office. (See definition #23.)
  - (3) **Personal Services.**
    - (a) Barber or beauty shop.
    - (b) Dance studio.
    - (c) Dry cleaner/laundry.
    - (d) Martial arts studio.
    - (e) Music studio.

- (f) Nail salon.
- (g) **Palm** reading service.
- (h) Photography studio.
- (i) Physical fitness studio.
- (j) Shoe repair shop.
- (k) Tailor/seamstress shop.
- (4) Residential Uses.  
Residential **dwelling** unit(s). (Above first floor commercial uses only)
- (5) Retail Commercial Uses.
  - (a) Antique store.
  - (b) Appliance store.
  - (c) **Art** and art supplies store.
  - (d) Bakery
  - (e) Bicycle shop.
  - (f) Bookstore.
  - (g) Camera store.
  - (h) Card shop.
  - (i) Carpet/drapery store.
  - (j) Clothing store.
  - (k) Coffee/espresso shop.
  - (l) Delicatessen.
  - (m) Fabric store.
  - (n) Floral shop.
  - (o) Furniture store.
  - (p) Garden supplies store.
  - (q) Gift shop.
  - (r) Hardware store.
  - (s) Jewelry store.
  - (t) Locksmith shop.
  - (u) Music store.
  - (v) Nursery (plant).
  - (w) Paint/wallpaper store.
  - (x) Pet grooming shop.
  - (y) Pet store.
  - (z) Plumbing and heating store.
  - (aa) Restaurant. (Where not abutting a residential district or property and no bar)
  - (bb) Sporting goods store.
  - (cc) Stationary store.
  - (dd) Supermarket.
  - (ee) Theater.
  - (ff) Toy store.
  - (gg) Variety store.
  - (hh) Video sales and rental store.
- (6) Service Commercial Uses.
  - (a) Copying or reproduction facility.
  - (b) Mailing or facsimile service.
  - (c) Reverse vending machine(s). (When located within a convenience zone)

(7) Other Uses.

- (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
- (b) Catering facility.
- (c) Christmas tree or pumpkin patch lot. (See Section 10-1 .2735(d) for standards)
- (d) Day Care Center. (Less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definition #71.)
- (e) Public agency facilities.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the CN-R District:

- (1) Accessory buildings and uses. (See Section 10-1.845)
- (2) Garage sales. (4 per year per dwelling. See Section 10-1.845)
- (3) Home Occupation. (See definition #111)
- (4) Household pets. (max. 4 cats and 4 dogs. See Section 10-1.2735-f and definition #170)

**SEC. 10-1.920 CONDITIONALLY PERMITTED USES.**

a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CN-R District, subject to the approval of an administrative use permit:

- (1) Administrative and Professional Offices/Services.
  - (a) Check cashing store.
  - (b) Medical/Dental laboratory.
- (2) Automobile Related Uses.
  - Parking lot.
- (3) Personal Services.
  - None.
- (4) Residential Uses.
  - Multiple-family dwellings with ground level units.
- (5) Retail Commercial Uses.
  - None.
- (6) Service Commercial Uses.
  - None.
- (7) Other Uses.
  - (a) Ambulance service.
  - (b) Animal grooming service.
  - (c) Animal hospital.
  - (d) Educational facility.
  - (e) Home occupation - expanded.
  - (f) Temporary use.

b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CN-R District subject to approval of a conditional use permit:

- (1) Administrative and Professional Offices/Services.  
None.
- (2) Automobile Related Uses.  
None.
- (3) Personal Services.
  - (a) Massage parlor.
  - (b) Tattoo parlor.
- (4) Residential Uses.  
None.
- (5) Retail Commercial Uses.
  - (a) Bar, Cocktail lounge. (See Section 10-1.2735.b. for regulations of alcohol)
  - (b) Dance or night club. “ “
  - (c) Convenience market. “ “
  - (d) Liquor store. “ “
  - (e) Restaurant. (Where abutting a residential district or property)
- (6) Service Commercial Uses.  
None.
- (7) Other Uses.
  - (a) Cultural facility.
  - (b) Convalescent home.
  - (c) Educational facility.
  - (d) Recreational facility.
  - (e) Religious facility.

**SEC. 10-1.925 LOT REQUIREMENTS.**

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Area per Dwelling Unit:
  - (1) Lots with less than 80 feet of frontage and/or less than 20,000 square feet in area shall require a minimum of 2,500 square feet of lot area per dwelling unit.
  - (2) Lots with more than 80 feet of frontage and more than 20,000 square feet in area shall be allowed a minimum of 1,743 square feet of lot area per dwelling.
- c. Minimum Lot Frontage: 100 feet
- d. Minimum Average Lot Width: 100 feet.
- e. Maximum Lot Coverage: 90 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions: See Section 10-1.2720.

**SEC. 10-1.930 YARD REQUIREMENTS.**

- a. Minimum Front Yard: 10 feet.
- b. Minimum Side Yard: None, except where entrances or windows face the side lot line 10 feet shall be required.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.
- e. Special Yard Requirements

and Exceptions:

See Section 10- 1.2725.

#### SEC. 10-1.935 HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard 4 feet
  - (2) Side and Rear Yard 6 feet
 (Also see Section 10-1.945 for additional standards).
- d. Special Height Requirements and Exceptions: See Section 10-1.2730.

#### SEC. 10-1.368 SEC. 10-1.940 SITE PLAN REVIEW REQUIRED.

Site plan review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines. *(Note: These sentences have been incorporated below.)*

#### SEC. 10-1.945 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

The City recognizes that high-quality design of commercial and residential structures can contribute to a positive appearance of commercial districts and neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the CN-R District, including but not limited to cultural, educational, religious or recreational facilities.

##### a. Multiple-family dwelling.

For multiple-family dwellings refer to the criteria and standards contained in the RM or RH Districts, Sections 10-1.400 and 10-1.500 respectively, whichever is most consistent with the General Policies Plan and Neighborhood Plan.

##### b. Commercial Uses.

For commercial buildings and uses, including but not limited to cultural, educational, religious or recreational facilities, refer to the criteria and standards contained in the CN District, Section 10-1.800.

##### c. General Restrictions on Non-Residential Uses.

All non-residential uses are subject to the following requirements; provided, however, that exceptions from these requirements may be authorized by approval of a conditional use permit:

- (1) Offices shall be no larger than 2,000 square feet and no more than 2,000 square feet of office space may be contained in any building or group of buildings on a parcel or building site.
- (2) Operating hours shall not begin before 7:00 a.m. nor end after 10:00 p.m.

##### d. Mixed-Use Development.

Mixed-use development shall be subject to the following requirements:

- (1) Shall provide separate entrances, isolation of noise and smell generating activities, and other compatibility features shall be addressed.
- (2) Special attention shall be given to architectural and landscape continuity, vehicular access and attractive pedestrian orientation. Where at all possible, parking in front of the building shall

be avoided.

- (3) A **minimum** of 150 square feet of usable open space per residential dwelling unit shall be provided.
- (4) Studio apartments shall be required to have only one covered off-street parking place per dwelling unit.

## **SEC. 10-1.1000 GENERAL COMMERCIAL DISTRICT (CG)**

### Sections:

- Section 10-1. 1005 Purpose.
- Section 10-1. 1010 Subdistricts.
- Section 10-1. 1015 Uses Permitted.
- Section 10-1. 1020 Conditionally Permitted Uses.
- Section 10-1. 1025 Lot Requirements.
- Section 10-1. 1030 Yard Requirements.
- Section 10-1. 1035 Height Limit.
- Section 10-1. 1040 Site Plan Review Required.
- Section 10-1. 1045 Minimum Design and Performance Standards.

### **SEC. 10-1.1005 PURPOSE.**

The CG District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to provide services for the support of primary business activities in the CB District or CC Districts.

### **SEC. 10-1. 1010 SUBDISTRICTS.**

Any combining B or SD District (see Sections 10-1 .2400 and 10-1 .2600).

### **SEC. 10-1.1015 USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CG District as primary uses.
  - (1) **Administrative and Professional Offices/Services.**
    - (a) Accounting and financial offices.
    - (b) Architectural and engineering offices.
    - (c) Banks and **financial** institutions.
    - (d) Chiropractic and acupuncture offices.
    - (e) Insurance and real estate offices.
    - (f) Law offices.
    - (g) Medical and dental offices.
    - (h) Travel and airline agency offices.
  - (2) **Automobile Related Uses.**
    - (a) Automobile parts store.
    - (b) Automobile brokerage office. (See definition #23.)
  - (3) **Personal Services.**
    - (a) Barber or beauty shop.
    - (b) Dance studio.
    - (c) Dry cleaner/laundry.
    - (d) Health club.
    - (e) Martial arts studio.
    - (f) Music studio.
    - (g) Nail salon.
    - (h) Palm reading service.

- (i) Photography studio.
- (j) Physical fitness studio.
- (k) Shoe repair shop.
- (l) Tailor/seamstress shop.
- (4) Residential Uses.
  - (c) Group Home
 

(Above **first** floor commercial uses only; see **definition #105**)

(Above first floor commercial uses only)
  - (d) Residential dwelling unit(s).
- (5) Retail Commercial Uses.
  - (a) Antique store.
  - (b) Appliance store.
  - (c) Art and art supplies store.
  - (d) Bakery
  - (e) Bicycle store.
  - (f) Bookstore.
  - (g) Camera store.
  - (h) Card shop.
  - (i) Carpet/drapery store.
  - (j) Clothing store.
  - (k) Coffee/Espresso shop.
  - (l) Delicatessen.
  - (m) Fabric store.
  - (n) Floral shop.
  - (o) Furniture store.
  - (p) Gift shop.
  - (q) Hardware store.
  - (r) Jewelry store.
  - (s) Locksmith shop.
  - (t) Music store.
  - (u) Nursery (plant).
  - (v) Paint/wallpaper store.
  - (w) Pet grooming shop.
  - (x) Pet store.
  - (y) Plumbing and heating store.
  - (z) Restaurant.
 

(Where not abutting a residential district or property and with no bar)
  - (aa) Sporting goods store.
  - (bb) Stationary store.
  - (cc) Supermarket.
  - (dd) Theater.
  - (ee) Thrift shop.
  - (ff) Toy store.
  - (gg) Variety store.
  - (hh) Video sales and rental store.
- (6) Service Commercial Uses
  - (a) Appliance repair shop.
  - (b) Copying or reproduction facility.
  - (c) Mailing or facsimile service.
  - (d) Reverse vending machine(s).
 

(When located within a convenience zone)

(e) Upholstery shop (furniture).

(7) Other Uses.

(a) Broadcasting studio.

(b) Banquet hall.

(Where not abutting a residential district or property and where no alcohol is served)

(c) Catering facility.

(Where not abutting a residential district or property)

(d) Christmas tree or pumpkin patch lot.

(See Section 10-1.2735-d. for standards)

(e) Day Care Home.

(State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #7 1)

(f) Public agency facilities.

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the CG District:

(1) Accessory buildings and uses.

(See Section 10-1. 1045)

(2) Garage sales.

(4 per year per dwelling. See Section 10-1.645)

(3) Home Occupation.

(See definition #1 11)

(4) Household pets.

(max. 4 cats and 4 dogs. See Section 10-1.2735.f. and definition #170)

**SEC. 10-1.1020 CONDITIONALLY PERMITTED USES.**

a. Administrative Uses. The following uses, or uses determined to be similar by Planning Director, are permitted in the CG District subject to approval of an administrative use permit:

(1) Administrative and Professional Office/Services.

(a) Check cashing store.

(b) Medical/dental laboratory.

(2) Automobile Related Uses.

Parking lot.

(3) Personal Services.

Suntan parlor.

(4) Residential Uses.

None.

(5) Retail Commercial Uses.

Restaurant.

(Where abutting a residential district or property but with no bar)

(6) Service Commercial Uses.

(a) Appliance service and repair shop.

(Not ancillary to a primary use)

(b) Hotel or motel.

(c) Recycling collection area.

(When located within a convenience zone)

(7) Other Uses.

(a) Ambulance service.

(b) Animal hospital.

(c) Auction.

(d) Banquet hall.

(Where abutting a residential district or property but where no alcohol is served)

- (e) Carnival.
- (f) Catering facility. (Where abutting a residential district or property)
- (g) Day care center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definition #7 1)
- (h) Kennel.
- (i) Mortuary.
- (j) Outdoor gathering. (Refer to Section 10-1.2735.h.)
- (k) Temporary use. (i.e., parking lot or tent sale)
- (l) Wind energy conversion system.

b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CG District subject to approval of a conditional use permit:

- (1) Administrative and Professional Offices/Services.  
None.
- (2) Automobile Related Uses.
  - (a) Automobile sales and rental.
  - (b) Automobile repair (minor and major). (See Section 10-1.1045 for special requirements)
  - (c) Automobile service station. “ “
  - (d) Automobile storage facility. “ “
  - (e) Car wash. “ “
  - (f) Drive-in establishments. “ “
- (3) Personal Services.
  - (a) Massage parlor.
  - (b) Tattoo parlor.
- (4) Residential Uses.  
None.
- (5) Retail Commercial Uses.
  - (a) Bar, Cocktail lounge. (See Section 10-1.2735.b. for regulations of alcohol)
  - (b) Dance or night club. “ “
  - (c) Convenience market. “ “
  - (d) Liquor store. “ “
- (6) Service Commercial Uses.
  - (a) Equipment rental service.
  - (b) Hotel or motel. (Where abutting a residential district or property)
  - (c) Sign shop.
- (7) Other Uses.
  - (a) Commercial amusement facility.
  - (b) Cultural facility.
  - (c) Educational facility.
  - (d) Flea market.
  - (e) Homeless shelter.
  - (f) Minor open storage. (When located behind and ancillary to primary uses)
  - (g) Newspaper printing facility.
  - (h) Passenger transportation terminal.
  - (i) Recreational facility.
  - (j) Religious facility.
  - (k) Warehouse. (When located behind and ancillary to primary uses)

(1) Wholesale establishment.

### **SEC. 10-1.1025 LOT REQUIREMENTS.**

- |   |  |
|---|--|
| a. <b>Minimum Lot Size :</b>                | None.  |
| b. Minimum Lot Area per Dwelling Unit:      | Same as permitted in RM or RH Districts, whichever is consistent with the General Policies Plan Map and Neighborhood Plan. |
| c. Minimum Lot Frontage:                    | 35 feet.   |
| d. Minimum Average Lot Width:               | None.  |
| e. Maximum Lot Coverage:                    | 90 percent.  |
| f. Minimum Lot Depth:                       | None.  |
| g. Special Lot Requirements and Exceptions: | See Section 10-1 .2720.  |

### **SEC. 10-1.1030 YARD REQUIREMENTS.**

- |   |  |
|---|--|
| a. Minimum Front Yard:                        | 10 feet, unless building is located at the property line.  |
| b. Minimum Side Yard:                         | None, unless abutting a R, A, MH, OS or residential PD District where the side yard shall be a minimum of 10 feet. Such side yards shall be increased 1-foot for each foot of height for any structure in excess of 40 feet. |
| c. Minimum Side Street Yard:                  | 10 feet, unless building is located at the property line.  |
| d. Minimum Rear Yard:                         | None, if abutting a CG district, otherwise the same as the required rear yard of the abutting District.  |
| e. Special Yard Requirements and Exceptions : | See Section 10-1 .2725.  |

### **SEC. 10-1.1035 HEIGHT LIMIT.**

- |   |   |
|---|---|
| a. Maximum Building Height:                     | No Limit.   |
| b. Maximum Accessory Building Height:           | 14 feet and one story.                            |
| c. Maximum Height for Fences/hedges/walls:      |   |
| (1) Front and Side Street Yard                  | 4 feet  |
| (2) Side and Rear Yard                          | 6 feet  |
|   | (See Section 10-1.1045 for additional standards). |
| d. Special Height Requirements and Exceptions : | See Section 10-1 .2730.                           |

### **SEC. 10-1.1040 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

**SEC. 10-1.1045 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to residential and commercial development allowed in the CG District, including but not limited to cultural, educational, religious or recreational facilities.

**a. Multiple-family dwelling.**

For multiple-family dwellings refer to the criteria and standards contained in the RM or RH Districts, Sections 10-1.400 and 10-1.500 respectively, whichever is most consistent with the General Policies Plan Map and Neighborhood Plan.

**b. Commercial Buildings and Uses.**

For commercial buildings and uses refer to the design criteria contained in the City of Hayward Design Guidelines, the Hillside Design and Urban/Wildland Interface Guidelines and the following specific criteria and standards.

**c. Accessory Buildings, Detached.**

Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:

- (1) Shall not exceed one story or 14 feet in height.
- (2) Shall use exterior building materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
- (3) Shall not be located in a required front yard or side street yard.
- (4) Shall be setback a minimum of 5 feet from a side or rear property line.
- (5) Shall not be located in front of a primary building, unless no other practical alternative exists.
- (6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building.
- (7) The area of all accessory buildings, either individually or cumulatively shall not exceed 50 percent of the ground floor area of the primary building.
- (8) Accessory buildings shall not cumulatively exceed 40% coverage of a required rear yard.
- (9) Accessory buildings may include a bathroom but shall not be used for habitable living spaces.

**d. Accessory Structures, Decorative.**

Detached decorative accessory structures, including but not limited to arbors, rain and shade covers and tents (made of canvas or other fabric), trellises, etc., shall meet the following criteria:

- (1) Shall not exceed one story or 14 feet in height.
- (2) Shall use exterior materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
- (3) Shall not be located in a required front yard or side street yard.

**e. Additions and Accessory Structures Attached to Primary Building.**

Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building, including the City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

f. **Adult Entertainment Activity.**

Refer to Section 10-1.2735.a. for Adult Entertainment Activity Regulations.

g. **Alcoholic Beverage Outlets.**

Refer to Section 10-1.2735.b. for Alcoholic Beverage Outlet Regulations.

h. **Antennas and Satellite Dishes and Telecommunications Devices.**

Refer to the Antenna and Telecommunications Facilities Ordinance for regulations of antennas, satellite dishes and telecommunications devices.

i. **Architectural Projections into Yards.**

Architectural features such as bay windows, cornices and eaves may extend 2 feet into any required yard.

j. **Decks and Ramps.**

- (1) Decks and ramps 12 inches or less in height may be located in any yard.
- (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.
- (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
- (4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.
- (5) Ramps for persons with physical disabilities providing access to single-family dwellings shall be constructed in a side yard where possible. If constructed in the front yard shall be decorative, and materials used shall match the home as much as possible. Landscape screening shall be provided along the sides of the ramp.

k. **Fences, Hedges, Walls.**

- (1) Fences, hedges and walls shall require approval by Planning Director or other approving authority, as determined by the Planning Director.
- (2) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.
- (3) A masonry wall not less than 6 feet in height, shall be required where any commercial district abuts any R, A, MH, OS, residential PD District, or other district where there is conforming residential development on the first floor (except adjacent to a required front or side street yard or abutting a street right-of-way). The masonry wall shall be constructed and maintained along the interior lot lines of such district abutted unless waived or another material is approved by the approving authority because the abutting activity or use is nonconforming, or the commercial activity or use is of low intensity and any impact can be otherwise mitigated.
- (4) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence. For fences and walls required to be at least 6 feet high or greater, the height shall be at least the required on both sides of the fence or wall.
- (5) Barb or razor wire or similar security fencing shall no be less than 6 feet above ground along a common property line of a residential property. Such fencing shall not exceed 3 feet in height and where used shall be angled away from the residential property.
- (6) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as

the same are now in effect or which may hereafter be amended or replaced.

1. **Grading.**

All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

m. **Landscaping.**

(1) **Landscape Areas.**

- (a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
- (b) Parking is prohibited within required front and side street yards. Where no front or side street yards are required:
  - (i) A landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the approving authority, shall be installed between accessory parking areas and all existing or future street rights-of-way; and
  - (ii) The area between all buildings and existing or future street rights-of-way shall be landscaped unless waived by the approving authority.
- (c) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
- (d) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.

(2) **Buffer Trees/Landscaping.**

- (a) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line, where a required side or rear yard abuts an A, R, MH, OS, or residential PD District.
- (b) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.

(3) **Parking Lot Trees/Planters.**

- (a) Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls, except where restricted because of design constraints.
- (b) Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- (c) The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.
- (d) The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.
- (e) Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.

(4) **Street Trees.**

- (a) Street trees shall be planted along all street frontages at a minimum of one 24-inch box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.

(5) Landscaping Near BART.

- (a) Parcels abutting, or within 500 feet and in direct view from the BART right-of-way shall include a minimum 10-foot wide landscape strip along the property line(s) abutting or in view from the BART right-of-way.
- (b) A minimum of one **15-gallon** buffer tree shall be planted for every 20 lineal feet of property line. The approving authority may waive the requirement if it would not accomplish the intent of City policies as they relate to landscaping due to existing structures or other obstructions to viewing landscaping.

(6) Irrigation.

Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.

(7) Tree Preservation.

- (a) Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period.
- (b) A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured two feet above the ground.

(8) Maintenance.

- (a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.
- (b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

n. Lighting, Exterior.

Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is **confined** to the property and will not cast direct light or glare upon adjacent properties or public rights of way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.

o. Parking, Driveways and Paving.

Parking, driveways and paving for commercial uses shall be provided in accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

(1) Parking Spaces Required.

Refer to the specific parking space requirements contained in the Off-Street Parking Regulations.

(2) Parking Space Dimensions.

- (a) Standard car parking spaces shall be a minimum of 9 feet wide by 19 feet long.
- (b) Compact car parking spaces shall be a minimum of 9 feet wide by 15 feet long.
- (c) Covered or uncovered parking spaces located adjacent to walls or support columns shall be increased in width by at least one foot on the effected side(s), to accommodate door swing.
- (d) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.

(3) Parking Space Locations.

- (a) Parking spaces shall not be located within the required front yard or side street yard setback.
- (b) Parking spaces and driveways, not located under a building may be located in a required

side and rear yard, but shall not be located within 5 feet of any side or rear yard property line or building. Unless wheel-stops are used, curbing for standard car or compact car parking spaces shall be setback 7 feet 6 inches and 7 feet, respectively, from a property line or building if a vehicular overhang is used.

(c) For lots less than 51 feet in width, parking and vehicular circulation may be located to within three feet of a side property line.

(4) Driveways and Paving.

(a) The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.

(b) In no case should a driveway exceed one-third of the width of the property frontage width or 35 feet.

(c) Parking and driveway surfaces shall be paved with asphaltic surface or comparable all-weather dustless material(s), such as bricks or pavers, as approved by Planning Director.

(5) Driveway Aisle Dimensions.

The minimum parking lot driveway aisle width shall be 26 feet for a two-way standard car aisle and 20 feet for a compact car aisle.

(6) Driveway Turnaround Requirement.

All commercial property shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction.

(7) Driveway Security Gates.

Refer to Section 10-2.626 of the Off-Street Parking Regulations.

(8) Emergency Vehicle Turn-Around Requirement.

Where the farthest point of a structure(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)

(9) Private Street Criteria.

Refer to the Standard Details and Section 10-1.2735.i. for design criteria and standards.

p. **Outdoor Storage.**

All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site; storage is not placed within required yard or parking areas, and the storage is compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).

q. **Retaining Walls.**

(1) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.

(2) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a **minimum** horizontal distance of 6 feet as measured between centerline of the walls.

(3) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.

(4) The sides of exposed exterior retaining walls shall be architecturally treated as approved by the Planning Director.

(5) The Planning Director may administratively alter or waive any wall requirement, if, in the Planning Director's opinion, no practical alternative exists, the purpose of the regulation will

not be compromised, and no detrimental impact will result.

r. **Roof-Mounted Equipment.**

Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view as required by the Planning Director or other approval authority necessary.

s. **Signs.**

Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, shall not be hazardous to vehicular traffic, and shall be of a quality conducive to the development of commerce. , the Sign Ordinance for specific regulations.

t. **Surfacing.**

All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.

u. **Trash and Recycling Facilities.**

- (1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.
- (2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.
- (3) Shall have a covered roof.

v. **Drive-in Establishments - Special Standards and Conditions.**

(1) **Location and Design Criteria.**

In addition to the minimum Commercial Development Standards, the following requirements shall apply:

- (a) Use permit applications for drive-in establishments in addition to standard requirements shall include the following information: a map and brief description of similar uses within a one-mile radius of the site; number and location of similar uses, indicating the location of all uses under the same brand name or franchise.
- (b) Drive-in uses shall not be located across a street from residential zoning districts, unless at least one street abutting the site is an arterial or major street and pedestrian safety measures are provided as determined necessary. This provision does not apply to commercial off-street parking lots.
- (c) Access to drive-in uses shall not be located next to the access to schools, parks, playgrounds, libraries, churches and other public and semi-public uses if pedestrian safety hazards would result.
- (d) Exterior storage and display of goods for sale or rent is not allowed.
- (e) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a planter at least 10 feet wide shall be installed parallel to the street right-of-way or precise plan line except where the use is a drive-in restaurant, then a 15-foot-wide landscaped setback is required.
- (f) A minimum of 20 percent of the total site area shall be landscaped.
- (g) Except for driveways, corner lots shall have a landscaped triangular area formed by the street right-of-way lines and a line connecting them at points 30 feet from the rear or projected point of intersection of the street right-of-way line. (See Article 9, Hayward

Traffic Code for visibility requirements .)

- (h) Fencing and Screening - Except for areas used for traffic circulation, or except where the drive-in functions as part of a larger development, for example, a shopping center where there is shared parking or access, a uniformly painted fence or masonry wall shall be maintained along all interior lot lines. Where any interior lot line abuts an R, A, MH, OS, or residential PD District, or a lot with residential uses, a masonry wall shall be constructed. The wall shall be at least 6 feet high but not exceed 8 feet, except within the required yard area abutting a right-of-way or precise plan line, in which case it shall not exceed four feet in height at grade measured on either side of the fence.
- (i) Where a drive-through aisle is located between the right-of-way and the primary structure, low shrubs and/or berms shall be installed within the landscape setback for visual buffering.
- (2) Requirements for Existing Drive-In Uses.  
An operator of an existing drive-in use who applies for a new use permit or modifications to an existing use permit shall conform to as many of the design and site plan standards for new uses as possible within the limits of the existing site layout and structural location.
- (3) Performance Standards for Drive-In Uses.  
Drive-in uses shall be operated in a manner which does not interfere with the normal use of adjoining properties. If in the opinion of the Planning Director the provisions of this paragraph are being violated, the violations shall be grounds for reopening use permit hearings and adding conditions to control the violation. Performance standards include, but are not limited to, the following considerations, which, where appropriate, shall be incorporated as conditions of approval in all use permits as determined by the Planning Commission:
  - (a) Noise levels measured at the property line shall not exceed the level of background noise normally found in the area or 65 decibels, whichever is greater. Loud speakers shall not be audible from residentially zoned and developed properties.
  - (b) The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties. For drive-in restaurants or other uses which typically generate trash or litter, adequate trash containers, as determined by the Planning Director, shall be required and employees shall be required daily to pick up trash or litter originating from the site upon the site and within 300 feet of the perimeter of the property.
  - (c) Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For purposes of this section, the usual operating hours shall be considered to be between 6.30 a.m. and 11.00 p.m. on weekdays and 7:00 a.m. to 1:00 a.m. on weekends.
  - (d) No undesirable odors shall be generated on the site.
  - (e) The on-site manager of the use shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.
  - (f) A copy of these performance standards and all conditional use permit conditions of approval shall be posted along side the necessary business licenses and be visible at all times to employees.
- (4) Automobile Service Stations - Additional Design Criteria.
  - (a) The following operations are prohibited in conjunction with the operation of an automobile service station: auto body repair, major mechanical repair, and outside display of new or used vehicles or parts for sale.
  - (b) Exterior display of goods for sale or rent is not permitted, except the following uses which are subject to design and location approval:
    - (i) Vending machines.
    - (ii) Oil display cabinets.

- (iii) Tire displays.
- (c) Entry to lubrication bays and/or service areas shall be designed to minimize the impact on adjacent residential uses.
- (d) Minimum facilities required:
  - (i) Two restrooms open to the public, one for each sex;
  - (ii) Equipment and storage area adequate to provide for operation and maintenance of station;
  - (iii) Minimum of one air and water outlet and window washing equipment and towels.
- (e) Minimum Site Requirements:
  - (i) Building site: 20,000 square feet.
  - (ii) Frontage on one street: 140 feet. In the case of corner lots, frontage will be measured to the extension of the intersecting property lines
  - (iii) Setback for fuel pump islands: a distance equal to 15 percent of the depth of the lot, or 20 feet, whichever is less, measured from the street right-of-way or precise plan line.
- (f) Automobile service stations engaged in the concurrent sale of fuel and alcoholic beverages shall be permitted only with approval of a Conditional Use Permit, and shall comply with the following standards:
  - (i) There shall be no display of alcoholic beverages within five feet of the cash register unless in a permanently affixed cooler.
  - (ii) Advertising of alcoholic beverages at motor vehicle fuel island is prohibited.
  - (iii) There shall be no sale of alcoholic beverages from a drive-in window.
  - (iv) Alcoholic beverages shall not be displayed or sold from an ice tub.
  - (v) Advertising of liquor on motor fuel island is prohibited.
  - (vi) Self-illuminated advertising for liquor on buildings or windows is prohibited.
  - (vii) Employees on duty between the hours of 10 p.m. and 2 a.m. shall be at least 21 years of age to sell alcoholic beverages.
- (5) Drive-Through Restaurants.
  - (a) Drive-in or drive-through restaurants shall be prohibited within ½-mile radius of one another as measured from the building walls of existing or proposed buildings.
  - (b) For each drive-in restaurant a bicycle rack shall be installed with a capacity for at least five bicycles.
  - (c) Drive-through lanes installed in connection with drive-in restaurants shall have a capacity for at least eight vehicles, at 20 feet per vehicle.
  - (d) Pedestrian circulation areas located within drive-in restaurant developments with drive-up windows shall consist of decorative paving such as brick, paving stones, or Bomanite.
  - (e) Access to bathroom facilities located within drive-in restaurant developments shall be from within the structure, with no direct access from the parking area.
  - (f) Roof lights, refrigeration units or other extraneous features which are not integral parts of the main structure, inflexible building prototypes which result in an ability to meet setback and compatibility requirements, and unattractive building elevations visible to customers or passersby are prohibited.
  - (g) Identification signs for drive-in restaurants (excluding directional signs and the menu board) shall be limited to one monument sign not to exceed 10 feet in height and 36 square feet per face and two wall signs with letters not to exceed 18 inches in height. Total area for wall signs may include logos not to exceed 24 inches in height.
  - (h) **All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped.** In all zoning districts a landscaped setback at least 15 feet wide shall be installed parallel to the street right(s) of way or precise plan line(s) and on interior property lines where drive-through aisles abut residential zoning districts.

- (i) Minimum building site (lot area or lease area) shall be 25,000 square feet in area.
  - (j) Drive-through aisles shall not be located between the building and the right-of-way and pick-up windows shall not face the right-of-way unless their visibility is minimized through the use of innovative building architecture and mounded or **bermed** landscaping to minimize their visual impact from the street. Menu board shall be placed so as to not be visible from the street.
  - (k) Drive-through restaurants shall have an architectural theme that is unique for a given area as specified by City standards and policies or as determined by the Planning Director; franchise architecture shall be avoided where possible.
- (6) **Drive-Through Coffee/Esspresso Shops**
- (a) Drive-through coffee/esspresso shops shall be prohibited within ½-mile radius of one another as measured from the building walls of existing or proposed buildings.
  - (b) Drive-through coffee/esspresso shop buildings shall not exceed 500 square feet in area.
  - (c) Drive-through lanes for drive-up windows shall have a capacity for at least two vehicles, at 20 feet per vehicle.
  - (d) Drive-through lanes shall consist of decorative paving such as brick, paving stones, or Bomanite.
  - (e) Public bathroom facilities shall be provided inside the drive-through building, unless public bathroom **facilities** are located within 200 feet on the same property and are accessible during coffee shop business hours.
  - (f) Roof lights, refrigeration units or other extraneous features which are not integral parts of the main structure, inflexible building prototypes which result in an ability to meet setback and compatibility requirements, and unattractive building elevations visible to customers or passersby are prohibited.
  - (g) Identification signs for drive-through coffee/esspresso shops shall comply with the Hayward Sign Ordinance and shall be limited to one monument sign not to exceed 6 feet in height and two wall signs with letters not to exceed 18 inches in height. Total area for wall signs may include logos not to exceed 24 inches in height.
  - (h) All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zoning districts a landscaped setback at least 10 feet wide shall be installed parallel to the street right of way or precise plan line and on interior property lines where drive-through aisles abut residential zoning districts.
  - (l) Minimum building site (lot area or lease area) shall be sufficient to accommodate the building and required circulation, maneuvering and parking.
  - (m) Drive-through aisles and pick-up windows may be located between the building and the right-of-way, but their visibility should be minimized through the use of innovative building architecture and mounded or **bermed** landscaping to minimize their visual impact from the street. Menu board(s) shall be placed so as to not be visible from the street.
  - (n) Drive-through coffee/esspresso shops shall have an architectural theme that is unique for a given area as specified by City standards and policies or as determined by the Planning Director; franchise architecture shall be avoided where possible.

--- GRAPHIC INSERT ---

For Drive-through restaurants



## **SEC. 10-1.1100 COMMERCIAL OFFICE DISTRICT (CO)**

Sections:

- Section 10-1. 1105 Purpose.
- Section 10-1. 1110 Subdistricts.
- Section 10-1. 1105 Uses Permitted.
- Section 10-1. 1120 Conditionally Permitted.
- Section 10-1. 1125 Lot Requirements.
- Section 10-1. 1130 Yard Requirements.
- Section 10-1. 1135 Height Limit.
- Section 10-1. 1140 Site Plan Review Required.
- Section 10-1. 1145 Minimum Design and Performance Standards.

### **SEC. 10-1.1105 PURPOSE.**

The CO District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to provide for and protect administrative, professional, business and financial organizations which may have unusual requirements for space, light and air, and which are clean and quiet and which are not detrimental to the residential use of adjacent properties.

### **SEC. 10-1.1110 SUBDISTRICTS.**

**Any** combining B District.

### **SEC. 10-1.1115 USES PERMITTED.**

a. **Primary Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CO District.

- (1) **Administrative and Professional Offices/Services .**
  - (a) Accounting and financial offices.
  - (b) Architectural and engineering offices.
  - (c) Banks and financial institutions.
  - (d) Chiropractic and acupuncture offices.
  - (e) Insurance and real estate offices.
  - (f) Law offices.
  - (g) Medical and dental offices.
  - (h) Travel and airline agency offices.
- (2) **Automobile Related Uses.**  
Automobile brokerage office. (See definition #23.)
- (3) **Personal Services.**
  - (a) Barber or beauty shop.
  - (b) Dance Studio.
  - (c) Dry cleaner/laundry.
  - (d) Martial arts studio.
  - (e) Music studio.
  - (f) Nail salon.
  - (g) Palm reading service.
  - (h) Photography studio.

- (i) Physical fitness studio.
- (j) Shoe repair shop.
- (k) Tailor/seamstress shop.

(4) Residential Uses.

- (e) Group Home
- (f) Multiple-family dwellings.

(See definition #105)

(5) Retail Commercial Uses.

None.

(6) Service Commercial Uses.

- (a) Copying or reproduction facility.
- (b) Mailing or facsimile service.
- (c) Reverse vending machine(s).

(When located within a convenience zone)

(7) Other Uses.

- (a) Day Care Home.

(State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)

- (b) Public agency facilities.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the CO District:

- (1) Accessory buildings and uses.
- (2) Garage sales.
- (3) Home Occupation.
- (4) Household pets.

(See Section 10.1.1145)

(4 per year per dwelling. See Section 10-1.645)

(See definition #111)

(max. 4 cats and 4 dogs. See Section 10-1.2735.f and definition #170)

**SEC. 10-1.1120 CONDITIONALLY PERMITTED USES.**

a. **Administrative Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CO District subject to approval of an administrative use permit:

(1) Administrative and Professional Offices/Services.

- (a) Pharmaceutical sales.

(Where accessory to a medical office or clinic, and where it does not exceed 3,000 square feet).

- (b) Medical/dental laboratory.

(2) Automobile Related Uses.

Parking lot.

(3) Personal Services.

None.

(4) Residential Uses.

- (a) Boarding Home.
- (b) Single-family dwelling.
- (c) Attached second dwelling unit.
- (d) Second single-family dwelling.

(For seven or more persons. See definition #37)

(Also referred to as a "Granny Unit." See Section 10-1. 1145 for criteria)

(Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc., can be met)

for each dwelling)

- (5) Retail Commercial Uses.  
Restaurant.
- (6) Service Commercial Uses.  
Recycling collection area. (When located within a convenience zone)
- (7) Other.
  - (a) Ambulance service.
  - (b) **Animal** hospital.
  - (c) Day Care Center.
  - (d) Christmas tree or  
pumpkin patch lot. (See Section 10-1.2735.d. for standards)
  - (e) Home occupation - expanded.
  - (f) Temporary use. (i.e., parking lot or tent sale)
  - (g) Wind energy conversion system.

b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CO District subject to approval of a conditional use permit:

- (1) Administrative and Professional Offices/Services .
  - (a) Pharmaceutical sales. (Where accessory to a medical office or clinic, and where it exceeds 3,000 square feet)
- (2) Automobile Related Uses.  
None.
- (3) Personal Services.
  - (a) Massage parlor.
  - (b) Suntan parlor.
- (4) Residential Uses.
  - (a) Dormitory.
  - (b) Fraternity or sorority.
- (5) Retail Commercial Uses.
  - (a) Bar, cocktail lounge. (See Section 10-1 .2735 .b. for regulations of alcohol)
- (6) Service Commercial Uses.  
None.
- (7) Other.
  - (a) Cultural facility.
  - (b) Educational facility.
  - (c) Hospital, convalescent home.
  - (d) Mortuary.
  - (e) Recreation facility.
  - (f) Religious facility.

## **SEC. 10-1.1125 LOT REQUIREMENTS.**

- a. Minimum Lot Size:
  - (1) Interior Lot 5,000 square feet.
  - (2) Corner Lot 5,760 square feet.
- b. Minimum Lot Area Per Dwelling Unit: Same as permitted in RM or RH Districts, whichever is deemed consistent with the General Policies Plan Map and Neighborhood Plan.

- c. Minimum Lot Frontage: 35 feet.
- d. Minimum Average Lot Width:
  - (1) Interior Lot 50 feet.
  - (2) Corner Lot 60 feet.
- e. Maximum Lot Coverage: 50 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions : See Section 10- 1.2720.

**SEC. 10-1.1130 YARD REQUIREMENTS.**

- a. Minimum Front Yard: 10 feet.
- b. Minimum Side Street Yard: 10 feet.
- c. Minimum Side Yard:
  - (1) Commercial Buildings 5 feet.
  - (2) Residential Buildings 5 feet, or 10 percent of the lot width at the front setback line whichever is greater up to a maximum of 10 feet.
- d. Minimum Rear Yard: 20 feet.
- e. Special Yard Requirements and Exceptions: See Section 10-1.2725.

**SEC. 10-1.1135 HEIGHT LIMIT.**

- a. Maximum Building Height: 40 feet.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard 4 feet.
  - (2) Side and Rear Yard 6 feet.
 (Also see Section 10-1. 1145 for additional standards).
- d. Special Height Requirements and Exceptions: See Section 10-1.2730.

**SEC. 10-1.1140 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

**SEC. 10-1.1145 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the CO District, including but not limited to cultural, educational, religious or recreational facilities.

a. **Single-family dwelling.**

For single-family dwellings refer to the applicable criteria and standards contained in the RS District, Section 10-1.200.

b. **Multiple-family dwelling.**

For multiple-family dwellings refer to the criteria and standards contained in the RM or RH Districts, Sections 10-1.400 and 10-1.500 respectively, whichever is most consistent with the General Policies Plan Map and Neighborhood Plan.

c. **Offices Uses.**

For commercial buildings and uses, including but not limited to cultural, educational, religious or recreational facilities, refer to the criteria and standards contained in the CN District, Section 10-1.800.



**SEC. 10-1.1200 LIMITED ACCESS COMMERCIAL DISTRICT (CL)**

Sections:

Section 10-1. 1205 **Purpose.**

Section 10-1.1210 Subdistricts.

Section 10-1. 1215 Uses Permitted.

Section 10-1. 1220 Conditionally Permitted Uses.

Section 10-1. 1225 Lot Requirements.

Section 10-1. 1230 Yard Requirements.

Section 10-1. 1235 Height Limit.

Section 10-1. 1240 Site Plan Review Required.

Section 10-1. 1245 Minimum Design and Performance Standards.

**SEC. 10-1.1205 PURPOSE.**

The CL District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to accommodate uses which normally have unusual requirements for space, light, and air. Uses within the CL District are service-related, and serve the motoring public adjacent to highways of major importance.

**SEC. 10-1.1210 SUBDISTRICTS.**

Any combining B District, except B6, B7, or B10, and any SD District.

**SEC. 10-1.1215 USES PERMITTED.**

a. **Primary Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CL District.

(1) **Administrative and Professional Offices/Services .**

- (a) Accounting and financial offices.
- (b) Architectural and engineering offices.
- (c) Banks and financial institutions.
- (d) Chiropractic and acupuncture offices.
- (e) Insurance and real estate offices.
- (f) Law offices.
- (g) Medical and dental offices.
- (h) Travel and airline agency offices.

(2) **Automobile Related Uses.**

Automobile brokerage office.

(See definition #23.)

(3) **Personal Services.**

- (a) Barber or beauty shop.
- (b) Dance studio.
- (c) Dry cleaner/laundry.
- (d) Martial arts studio.
- (e) Music studio.
- (f) Nail salon.
- (g) Palm reading service.
- (h) Photography studio.

- (i) Physical fitness studio.
- (j) Shoe repair shop.
- (k) Tailor/seamstress shop.
- (4) Residential Uses.
  - (g) Group Home (Above first floor commercial uses only; see definition #105)
  - (h) Residential dwelling unit(s). (Above first floor commercial uses only)
- (5) Retail Commercial Uses.
  - (a) Coffee/espresso shop.
  - (b) Delicatessen.
  - (c) Restaurant. (Where not abutting a residential **district** or property and no bar)
- (6) Service Commercial Uses.
  - (a) Copying or reproduction facility.
  - (b) Mailing or facsimile service.
  - (c) Reverse vending machines. (When located within a convenience zone.)
- (7) Other Uses.
  - (a) Christmas tree or pumpkin patch lot. (See Section 10-1 .2735.d. for standards)
  - (b) Day Care Home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)
  - (c) Public agency facilities.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the CL District:

- (1) Accessory buildings and uses. (See Section 10.1.1145)
- (2) Garage sales. (4 per year per dwelling. See Section 10-1. 1245)
- (3) Home Occupation. (See definition #1 11)
- (4) Household pets. (max. 4 cats and 4 dogs. See Section 10-1.2735.f. and definition #170)

**SEC. 10-1.1220 CONDITIONALLY PERMITTED USES.**

a. **Administrative Uses.** The following uses, or uses determined to be similar by **Planning** Director, are permitted in the CL District subject to approval of an administrative use permit:

- (1) Administrative and Professional Offices/Services.  
None.
- (2) Automobile Related Uses.  
Parking lot.
- (3) Personal Services.  
Suntan parlor.
- (4) Residential Uses.  
None.
- (5) Retail Commercial Uses.  
Restaurant. (Where abutting a residential district or property)

- (6) Service Commercial Uses.  
Recycling collection area. (When located within a convenience zone.)
- (7) Other Uses.
  - (a) Hospital, convalescent home.
  - (b) Kennel.
  - (c) Temporary use.

b. **Conditional Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the CL District subject to approval of a conditional use permit:

- (1) Administrative and Professional Offices/Services.  
None.
- (2) Automobile Related Uses.
  - (a) Automobile repair - minor. (See Section 10-1.1245 for special requirements)
  - (b) Automobile service station. “ “
  - (c) Car wash. “ “
  - (d) Drive-in establishments. “ “
- (3) Personal Services.  
Massage parlor.
- (4) Residential Uses.  
None.
- (5) Retail Commercial Uses.
  - (a) Bar, cocktail lounge. (See Section 10-1.2735.b. for regulations of alcohol)
  - (b) Convenience market. (Within an automobile service station only)
- (6) Service Commercial Uses.  
Hotel or motel. (Including ancillary retail uses)
- (7) Other Uses.
  - (a) Commercial amusement facility.
  - (b) Cultural facility.
  - (c) Recreational facility.

#### **SEC. 10-1.1225 LOT REQUIREMENTS.**

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Area Per Dwelling Unit: Same as permitted in RM or RH Districts, whichever is deemed consistent with the General Policies Plan Map and Neighborhood Plan.
- c. Minimum Lot Frontage: 80 feet.
- d. Minimum Average Lot Width: 100 feet.
- e. Maximum Lot Coverage: 40 percent.
- f. Minimum Lot Depth: 100 feet.
- g. Special Lot Requirements and Exceptions: See Section 10-1.2720.

#### **SEC. 10-1.1230 YARD REQUIREMENTS.**

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 10 feet.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.

- e. Special Yard Requirements  
and Exceptions:

See Section 10-1.2400.

**SEC. 10-1.1235 HEIGHT LIMIT.**

- a. Maximum Building Height:  
b. Maximum Accessory Building Height:  
c. Maximum Height for Fences/hedges/walls:  
(1) Front and Side Street Yard  
(2) Side and Rear Yard

40 feet.

14 feet and one story.

4 feet.

6 feet.

(Also see Section 10-1. 1245 for additional standards).

- d. Special Height Requirements  
and Exceptions:

See Section 10-1.2730.

**SEC. 10-1.1240 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director **determines** that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

**SEC. 10-1.1245 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the **community**. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the CL District, including but not limited to cultural or recreational facilities.

- a. Multiple-family dwelling.

For multiple-family dwellings refer to the criteria and standards contained in the RM or RH Districts, Sections 10-1.400 and 10-1.500 respectively, whichever is most consistent with the General Policies Plan and Neighborhood Plan.

- b. Commercial Uses.

For commercial buildings and uses, including but not limited to cultural, educational, religious or recreational facilities, refer to the criteria and standards contained in the CN District, Section 10-1.800.

## **SEC. 104.1300 CENTRAL BUSINESS DISTRICT (CB)**

Sections:

- Section 10-1. 1305 **Purpose.**
- Section 10-1.1310 Subdistricts.
- Section 10-1. 1315 Uses Permitted.
- Section 10-1. 1320 Conditionally Permitted Uses.
- Section 10-1. 1325 Lot Requirements.
- Section 10-1. 1330 Yard Requirements.
- Section 10-1. 1335 Height Limit.
- Section 10-1. 1340 Site Plan Review **Required.**
- Section 10-1. 1345 Minimum Design and Performance Standards.

### **SEC. 10-1.1305 PURPOSE.**

The CB District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity.

### **SEC. 10-1.1310 SUBDISTRICTS.**

Any combining B District (see Section 10-1.2400).

### **SEC. M-1.1315 USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District.
  - (1) Administrative and Professional Offices/Services.
    - (a) Accounting and financial offices.
    - (b) Architectural and engineering offices.
    - (c) Banks and financial institutions.
    - (d) Chiropractic and acupuncture offices.
    - (e) Insurance and real estate offices.
    - (f) Law offices.
    - (g) Medical and dental offices.
    - (h) Travel and airline agency offices.
  - (2) Automobile Related Uses.
    - (a) Automobile parts store.
    - (b) Automobile brokerage office. (See definition #23.)
  - (3) Personal Services.
    - (a) Barber or beauty shop.
    - (b) Dance studio.
    - (c) Dry cleaner/laundry.
    - (d) Martial arts studio.
    - (e) Music studio.
    - (f) Nail salon.

- (g) Palm reading service.
- (h) Photography studio.
- (i) Physical fitness studio.
- (j) Shoe repair shop.
- (k) Tailor/seamstress shop.
- (4) Residential Uses.
  - (a) Group Home (Above first floor commercial uses only; see definition #105)
  - (b) Residential dwelling unit(s). (Above first floor commercial uses only)
- (5) Retail Commercial Uses.
  - (a) Antique store.
  - (b) Appliance store.
  - (c) Art and art supplies store.
  - (d) Bakery.
  - (e) Bicycle shop.
  - (f) Bookstore.
  - (g) Camera store.
  - (h) Card shop.
  - (i) Carpet/drapery store.
  - (j) Clothing store.
  - (k) Coffee/espresso shop.
  - (l) Delicatessen.
  - (m) Fabric store.
  - (n) Floral shop.
  - (o) Furniture store.
  - (p) Garden supplies store.
  - (q) Gift shop.
  - (r) Hardware store.
  - (s) Jewelry store.
  - (t) Locksmith shop.
  - (u) Music store.
  - (v) Nursery (plant).
  - (w) Paint/wallpaper store.
  - (x) Pet grooming shop.
  - (y) Pet store.
  - (z) Plumbing and heating store.
  - (aa) Restaurant., (Where not abutting a residential district or property and no bar)
  - (bb) Sporting goods store.
  - (cc) Stationary store.
  - (dd) Supermarket.
  - (ee) Theater.
  - (ff) Toy store.
  - (gg) Variety store.
  - (hh) Video sales and rental store.
- (6) Service Commercial Uses.
  - (a) Copying or reproduction facility.
  - (b) Mailing or facsimile service.
  - (c) Reverse vending machine(s). (When located within a convenience zone)

(7) Other Uses.

- (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
- (b) Broadcasting studio.
- (c) Catering facility.
- (d) Christmas tree or pumpkin patch lot. (See Section 10-1.2735.d. for standards)
- (e) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)
- (f) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definition #7 1)
- (g) Public agency facilities.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the CB District:

- (1) Accessory buildings and uses. (See Section 10.1.1345)
- (2) Garage sales. (4 per year per dwelling. See Section 10-1. 1345)
- (3) Home Occupation. (See definition #111)
- (4) Household pets. (max. 4 cats and 4 dogs. See Section 10-1.2435. See definition #170)

**SEC. 10-1.1320 CONDITIONALLY PERMITTER USES.**

a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District subject to approval of an administrative use permit:

- (1) Administrative and Professional Offices/Services.  
None.
- (2) Automobile Related Uses.  
Parking lot.
- (3) Personal Services.  
Suntan parlor.
- (4) Residential Uses.  
None.
- (5) Retail Commercial Uses.  
Restaurant. (Where abutting a residential district or property and no bar)
- (6) Service Commercial Uses.
  - (a) Appliance repair shop. (Not ancillary to primary use)
  - (b) Hotel or motel. (Where not abutting a residential district or property)
  - (c) Recycling Collection Area. (When located within a convenience zone)
- (7) Other Uses.
  - (a) Ambulance service.
  - (b) Auction.
  - (c) Banquet hall. (Where not abutting a residential district or property)
  - (d) Carnival.

- |                                 |   |
|---------------------------------|---|
| (e) Catering facility.          | (Where not abutting a residential district or property) |
| (f) Home occupation - expanded. |   |
| (g) Outdoor gathering.          | (See section 10-1.2735.h.)                              |
| (h) Temporary use.              |   |

b. **Conditional Uses.** The following uses, or uses determined to be similar by the **Planning** Director, are permitted in the CB District subject to approval of a conditional use permit:

- |  |   |
|--|---|
| (1) <u>Administrative and Professional Offices/Services.</u>                               |   |
| None.  |   |
| (2) <u>Automobile Related Uses.</u>  |   |
| (a) Automobile repair (minor and major). (See Section 10-1. 1345 for special requirements) |   |
| (b) Automobile service station.  |   |
| (c) Car wash.  | “ “   |
| (d) Drive-in establishment.  | “ “   |
| (3) <u>Personal Services.</u>  |   |
| Massage parlor.  |   |
| (4) <u>Residential Uses.</u>   |   |
| Multiple-family dwelling.  |   |
| (5) <u>Retail Commercial Uses.</u>   |   |
| (a) Bar, cocktail lounge.  | (See Section 10-1.2735.b. for regulations of alcohol) |
| (b) Dance or night club.   | “ “   |
| (c) Convenience market.  | “ “   |
| (d) Liquor store.  | “ “   |
| (6) <u>Service Commercial Uses.</u>  |   |
| Hotel or motel.  | (Where abutting a residential district or property.   |
| (7) <u>Other Uses.</u>   |   |
| (a) Banquet hall.  | (Where abutting a residential district or property.   |
| (b) Catering facility.   | “ “   |
| (c) Commercial Amusement.  |   |
| (d) Cultural facility.   |   |
| (e) Educational facility.  |   |
| (f) Hospital, convalescent home.   |   |
| (g) Passenger transportation terminal.   |   |
| (h) Recreational facility.   |   |
| (i) Religious facility.  |   |

### **SEC. 10-1.1325 LOT REQUIREMENTS.**

- |   |   |
|---|---|
| a. Minimum Lot Size:                        | None.   |
| b. Minimum Lot Area Per Dwelling Unit:      | Same as permitted in RM or RH Districts, whichever is deemed consistent with the General Policies Plan Map and Neighborhood Plan. |
| c. Minimum Lot Frontage:                    | None.   |
| d. Minimum Average Lot Width:               | None.   |
| e. Maximum Lot Coverage:                    | 90 percent.   |
| f. Minimum Lot Depth:                       | None.   |
| g. Special Lot Requirements and Exceptions: | See Section 10-1.2720.  |

**SEC. 10-1.1330 YARD REQUIREMENTS.**

- a. Minimum Front Yard: 10 feet, unless waived by the Planning Director or by the approving authority.
- b. Minimum Side Yard: Five feet or 10 percent of lot width up to 10 feet unless waived by the Planning Director or by the approving authority.
- c. Minimum Side Street Yard: 10 feet unless waived by the Planning Director or by the approving authority.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provisions:
  - (1) The side or rear yard required for any structure in a CB District shall be the same as the District abutted.
  - (2) Where a CG District abuts any residential District or property the side and rear yard shall be a **minimum** of 10 feet and 20 feet respectively. Such yards shall be increased one foot for each foot of height for any structure in excess of 40 feet.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2425.

**SEC. 10-1.1335 HEIGHT LIMIT.**

- a. Maximum Building Height : No limit.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard 4 feet.
  - (2) Side and Rear Yard 6 feet.
 (Also see Section 10-1. 1345 for additional standards).
- d. Special Height Requirements and Exceptions: See Section 10-1.2730.

**SEC. 10-1.1340 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

**SEC. 10-1.1345 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to the construction of residential and commercial buildings and certain commercial uses in the CL District, including but not limited to cultural or recreational facilities.

**a. Multiple-family dwelling.**

For multiple-family dwellings refer to the criteria and standards contained in the RM or RH Districts, Sections 10-1.400 and 10-1.500 respectively, whichever is most consistent with the General Policies Plan Map and Neighborhood Plan.

b. **Commercial Uses.**

For commercial buildings and uses, including but not limited to cultural, educational, religious or recreational facilities, refer to the criteria and standards contained in the CG District, Section 10-1.1000.

## **SEC. 10-1.1400 COMMERCIAL RETAIL DISTRICT (CR)**

### Sections:

- Section 10-1. 1405 Purpose.
- Section 10-1. 1410 Subdistricts.
- Section 10-1. 1415 Uses Permitted.
- Section 10-1. 1420 Conditionally Permitted Uses.
- Section 10-1. 1425 Lot Requirements.
- Section 10-1. 1430 Yard Requirements.
- Section 10-1. 1435 Height Limit.
- Section 10-1. 1440 Site Plan Review Required.
- Section 10-1. 1445 Minimum Design and Performance Standards.

### **SEC. 10-1.1405 PURPOSE.**

The CR District is intended to provide for limited retail, service, and office commercial uses which serve the needs of workers within the Industrial Corridor.

### **SEC. 10-1.1410 SUBDISTRICTS.**

None.

### **SEC. 10-1.1415 USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CR District, as primary uses.
  - (1) **Administrative and Professional Offices/Services.**
    - (a) Banks and financial institutions.
    - (b) Insurance and real estate offices.
    - (c) Travel and airline agency offices.
  - (2) **Automobile Related Uses.**

None.
  - (3) **Personal Services.**
    - (a) Barber or beauty shop.
    - (b) Dry cleaner/laundry.
    - (c) Janitorial services and supply establishments (retail).
    - (d) Music studio.
    - (e) Optical and optometry shop.
    - (f) Photographic supply shop.
    - (g) Physical fitness studio.
    - (h) Shoe repair shop.
    - (i) Tailor/seamstress shop.
    - (j) Watch and clock repair shop.
  - (4) **Residential Uses.**
    - (a) Group Home
 

(Above first floor commercial uses **only**; see definition #105)
    - (b) Residential dwelling unit(s).
 

(Above first floor commercial uses only)

(5) Retail Commercial Uses.

- (a) Appliance store.
- (b) Bakery.
- (c) Bicycle shop.
- (d) Bookstore.
- (e) Carpet, drapery and floor covering store.
- (f) Delicatessen. (Limited to a maximum 3,000 square feet)
- (g) Drug store prescription pharmacy.
- (h) Floral shop.
- (i) Gift shop.
- (j) Hardware store.
- (k) Hobby shop.
- (l) Ice cream shop.
- (m) Jewelry store.
- (n) Locksmith shop.
- (o) Music store.
- (p) Newsstands.
- (q) Office supply, furniture and business machine stores.
- (r) Paint, glass and wallpaper store.
- (s) Picture framing shops.
- (t) Post offices.
- (u) Restaurant. (Full service only, where not abutting a residential district or property and no bar)
- (v) Sporting goods store.
- (w) Stationary store.
- (x) Supermarket.
- (y) Video sales and rental store.

(6) Service Commercial Uses.

- (a) Copying or reproduction facility.
- (b) Mailing or facsimile service.
- (c) Reverse vending machine(s). (When located within a convenience zone)
- (d) Sign paint shops.

(7) Other Uses.

- (a) Catering facility.
- (b) Public agency facilities.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the CR District:

- (1) Accessory buildings and uses. (See Section 10.1.1445)

**SEC. 10-X.1420 CONDITIONALLY PERMITTED USES.**

- a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CR District subject to approval of an administrative use permit:  
None.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CR District, subject to approval of a conditional use permit:
- (1) Administrative and Professional Offices/Services.
    - (a) Medical and dental clinics that provide services to workers in the light manufacturing areas, and nearby residents.
    - (b) Second floor offices, including but not limited to business, professional and administrative offices.
  - (2) Automobile Related Uses.  
None.
  - (3) Personal Services.  
None.
  - (4) Residential Uses.  
None.
  - (5) Retail Commercial Uses.  
None.
  - (6) Service Commercial Uses.  
None.
  - (7) Other Uses.  
None.

#### **SEC. 10-1.1425 LOT REQUIREMENTS.**

- a. **Minimum Lot Size:** 20,000 square feet.
- b. **Minimum Lot Frontage:** 100 feet.
- c. **Minimum Average Lot Width:** 100 feet.
- d. **Maximum Lot Coverage:** 30 percent.
- e. **Minimum Lot Depth:** 200 feet.
- f. **Maximum Floor Area Ratio:** 30 percent.
- g. **Special Lot Requirements and Exceptions:** See Section 10-1 .2720.

#### **SEC. 10-1.1430 YARD REQUIREMENTS.**

- a. **Minimum Front Yard:** 50 feet.
- b. **Minimum Side Street Yard:** 25 feet.
- c. **Minimum Side Yard:** 25 feet.
- d. **Minimum Rear Yard:** 25 feet.
- e. **Special Yard Requirements and Exceptions :** See Section 10-1 .2725.

#### **SEC. 10-1.1435 HEIGHT LIMIT.**

- a. **Maximum Height Permitted:** 30 feet (40 feet including mechanical).
- b. **Maximum Accessory Building Height:** 14 feet and one story.
- c. **Maximum Height for Fences/hedges/walls:**
  - (1) **Front and Side Street Yard** No fences or walls allowed.
  - (2) **Side and Rear Yard** 6 feet.
- d. **Special Height Requirements and Exceptions :** See Section 10-1 .2730.

**SEC. 10-1.1440 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

**SEC. 10-1.1445 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to the construction of commercial buildings and certain commercial uses in the CR District, including but not limited to cultural or recreational facilities.

**a. Parking.**

On-site parking shall be provided at 1 space per 200 square feet; compact spaces shall comprise no more than 30 percent of the total spaces.

**b. South of Route 92 Area.**

The development of CR zoned properties in the South of Route 92 planning area are also subject to the provisions of the South of Route 92/Oliver & Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber properties.

**c. Specific Plan Requirements:**

Refer to applicable specific plans for other special design and performance standards.

## **SEC. 10-1.1500 CENTRAL CITY DISTRICT (CC)**

### Sections:

Section 10-1. 1505 Purpose.

Section 10-1.1510 Subdistricts.

Section 10-1.1520 Central City - Commercial Subdistrict (CC-C)

Section 10-1. 1521 CC-C Purpose.

Section 10-1.1522 CC-C Uses Permitted.

Section 10-1. 1523 CC-C Conditionally Permitted Uses.

Section 10-1. 1524 CC-C Lot Requirements.

Section 10-1. 1525 CC-C Yard Requirements.

Section 10-1.1526 CC-C Height Limit.

Section 10-1.1530 Central City - Residential Subdistrict (CC-R)

Section 10-1. 1531 CC-R Purpose.

Section 10-1. 1532 CC-R Uses Permitted.

Section 10-1. 1533 CC-R Conditionally Permitted Uses.

Section 10-1.1534 CC-R Lot Requirements.

Section 10-1. 1535 CC-R Yard Requirements.

Section 10-1. 1536 CC-R Height Limit.

Section 10-1. 1540 Central City - Plaza Subdistrict (CC-P)

Section 10-1. 1541 CC-P Purpose.

Section 10-1. 1542 CC-P Uses Permitted.

Section 10-1.1543 CC-P Conditionally Permitted Uses.

Section 10-1.1544 CC-P Lot Requirements.

Section 10-1. 1545 CC-P Yard Requirements.

Section 10-1. 1546 CC-P Height Limit.

Section 10-1. 1550 Site Plan Review Required.

Section 10-1. 1555 Minimum Design and Performance Standards.

### **SEC. 10-1.1505 PURPOSE.**

- a. **Central City District.** The purpose of the Central City District is to promote the development of the downtown area as the central area of the City for business, governmental, cultural, financial, residential, office, and entertainment uses.
- b. **Downtown Design Plan.** To assist in promoting the goals of the Redevelopment Plan for the Downtown Hayward Redevelopment Project, the Redevelopment Agency of the City of Hayward has adopted, by Resolution No. RA-87-04, a Downtown Design Plan which provides policies and specific criteria for development in the Central City District. As so adopted or as amended by the Agency from time to time, this Plan is adopted and incorporated herein by reference. As provided below, development in the Central City District shall be in substantial compliance with the Plan.
- c. **Specific Plan for Hayward's Downtown Core.** The City Council has adopted by Resolution No. 92-185, a Specific Plan which provides policies and specific criteria for development in the Downtown Core Area of the Central City District. As so adopted or as amended by the City Council from time to time, this Specific Plan is adopted and incorporated herein by reference. As provided below, the development in the Central City District shall be in substantial compliance with the Specific Plan.

**SEC. 10-1.1510 SUBDISTRICTS.**

To encourage a functional and compatible association of uses in identifiable areas, the Central City District is divided into the following subdistricts:

- a. Central City - Commercial (CC-C)
- b. Central City - Residential (CC-R)
- c. Central City - Plaza (CC-P)

**SEC. 10-1.1520 CENTRAL CITY - COMMERCIAL SUBDISTRICT (CC-C)****SEC. 10-1.1521 CC-C PURPOSE.**

The purpose of the Central City - Commercial (CC-C) Subdistrict is to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses.

**SEC. 10-1.1522 CC-C PERMITTED USES.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-C District as primary uses.
- (1) Administrative and Professional Offices/Services.
    - (a) Accounting and financial offices.
    - (b) Architectural and engineering offices.
    - (c) Banks and financial institutions.
    - (d) Chiropractic and acupuncture offices.
    - (e) Insurance and real estate offices.
    - (f) Law offices.
    - (g) Medical and dental offices.
    - (h) Travel and airline agency offices.
  - (2) Automobile Related Uses.
    - (a) Automobile parts store.
    - (b) Automobile brokerage office. (See definition #23)
  - (3) Personal Services.
    - (a) Barber or beauty shop. (Excluding college)
    - (b) Dance studio.
    - (c) Dry cleaner/laundry.
    - (d) Health club.
    - (e) Martial arts studio.
    - (f) Music studio.
    - (g) Nail salon.
    - (h) Palm reading.
    - (i) Photography studio.
    - (j) Physical fitness studio
    - (k) Shoe repair shop.
    - (l) Tailor/seamstress shop.
  - (4) Residential Uses.
    - (a) Group home. (Above first floor commercial uses only. See definition # 105)
    - (b) Residential dwelling unit(s). (Above first floor commercial uses only)
    - (c) Single-family dwelling. (Existing as of May 4, 1993, including accessory structures and uses)
  - (5) Retail Commercial Uses.
    - (a) Antique store.
    - (b) Appliance store.
    - (c) Art and art supplies store.

- (d) Bicycle store.
- (e) Bookstore.
- (f) Camera store.
- (g) Card shop.
- (h) Carpet/drapery store.
- (i) Clothing store.
- (j) Fabric store.
- (k) Floral shop.
- (l) Furniture store.
- (m) Garden supplies store.
- (n) Gift shop.
- (o) Hardware store.
- (p) Jewelry store.
- (q) Locksmith shop.
- (r) Music store.
- (s) Paint/wallpaper store.
- (t) Pet grooming shop.
- (u) Pet store.
- (v) Plumbing and heating store.
- (w) Restaurant.
- (x) Sporting goods store.
- (y) Stationary store.
- (z) Supermarket.
- (aa) Theater.
- (bb) Thrift store.
- (cc) Toy store.
- (dd) Variety store.
- (ee) Video sales and rental.

(No bar)

- (6) Service Commercial Uses.
  - (a) Appliance repair shop.
  - (b) Copying or reproduction facility.
  - (c) Mailing or facsimile service.
  - (d) Reverse vending machines.

(When located within a convenience zone.)

- (7) Other Uses.
  - (a) Broadcasting studio.
  - (b) Christmas tree or pumpkin patch lot.
  - (c) Day care home.

(See Section 10-1 .2735.d. for standards)

(State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)

- (d) Public agency facilities.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the CC-C Subdistrict:

- (1) Accessory buildings and uses. (See Section 10.1.1555)
- (2) Garage sales. (4 per year per dwelling. See Section 10-1. 1555)
- (3) Home Occupation. (See definition #1 11)
- (4) Household pets. (max. 4 cats and 4 dogs. See Section 10-1.2735.f.)

and definition #170)

- (5) Indoor storage clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the Central City - Commercial Subdistrict.

### **SEC. 10-1.1523 CC-C CONDITIONALLY PERMITTED USES.**

- a. **Administrative Uses.** The following uses are permitted in the CC-C Subdistrict, subject to approval of an administrative use permit:

- (1) Administrative and Professional Offices/Services.  
Check cashing store.
- (2) Automobile Related Uses.  
None.
- (3) Personal Services.  
Suntan parlor.
- (4) Residential Uses.  
None.
- (5) Retail Commercial Uses.  
None.
- (6) Service Commercial Uses.
  - (a) Recycling collection area (When located within a convenience zone)
  - (b) Upholstery Shop. (Furniture only)
- (7) Other Uses.
  - (a) Ambulance service.
  - (b) Banquet hall. (Where no alcohol is served)
  - (c) Catering facility. (Where no alcohol is served)
  - (d) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definition #7 1.)
  - (e) Farmer's Market.
  - (f) Home Occupation - expanded.
  - (g) Temporary use.

- b. **Conditional Uses.** The following uses are, or uses determined to be similar by the Planning Director, are permitted in the CC-C Subdistrict subject to the approval of a conditional use permit:

- (1) Administrative and Professional Offices/Services .  
None.
- (2) Automobile Related Uses.
  - (a) Automobile sales and rental.
  - (b) Automobile repair (minor and major). (Refer to Section 10-1. 1045.v. for special requirements)
  - (c) Automobile service station. “ “
  - (d) Automobile storage facility. (See definition #29)
  - (e) Car wash. (Refer to Section 10-1.1045.v. for special requirements)
  - (f) Drive-in establishments (Excluding drive-through restaurants; refer to Section 10- 1.1045. v. for special requirements)

- (g) Parking lot or parking structure.
- (3) Personal Services.
  - (a) Massage parlor.
  - (b) Tattoo parlor.
- (4) Residential Uses.
  - Multiple-family dwelling. (With dwelling units on first floor)
- (5) Retail Commercial Uses.
  - (a) Bar, Cocktail lounge. (See Section 10-1.2735.b. for regulations of alcohol)
  - (b) Dance or night club. “ “
  - (c) Convenience market. “ “
  - (d) Liquor store. “ “
  - (e) Pawn shop.
- (6) Service Commercial Uses.
  - Hotel or motel.
- (7) Other Uses.
  - (a) Auctions.
  - (b) Banquet hall. (Where alcohol is served. See Section 10-1.2735.b. for regulations of alcohol)
  - (c) Card club. (Subject to Regulations in Chapter 4, ‘Article 3 of the Hayward Municipal Code, “Card Club Regulations”)
  - (d) Catering facility. (Where alcohol is served. See Section 10-1.2735.b. for regulations of alcohol)
  - (e) Cultural facility.
  - (f) Commercial amusement facility.
  - (g) Educational facility.
  - (h) Hospital or convalescent home.
  - (i) Mortuary.
  - (j) Passenger transportation terminal.
  - (k) Recreational facility.
  - (l) Religious facility.
  - (m) Taxi company.

**SEC. 10-1.1524 CC-C LOT REQUIREMENTS.**

- a. Minimum Lot Size: None.
- b. Maximum Residential Density: Densities shall be established in substantial compliance with the Downtown Hayward Design Plan. A map showing residential densities as set forth in that plan is shown in the Figure ??.
- c. Minimum Lot Frontage: None.
- d. Minimum Average Lot Width: None.
- e. Maximum Lot Coverage: None.
- f. Minimum Lot Depth: None.
- g. Special Lot Requirements and Exceptions: See Section 10-1.2720.

**SEC. 10-1.1525 CC-C YARD REQUIREMENTS.**

- a. Minimum Front Yard: In substantial compliance with Downtown Hayward Design Plan. A map of front yard setbacks as set forth in that plan is shown in Figure ??.
- b. Minimum Side Yard: 5 feet, or 10 percent of the lot width up to 10 feet, unless waived by the Planning Director or by the approving authority.
- c. Minimum Side Street Yard: 10 feet, unless waived by the Planning Director or by the approving authority.
- d. Minimum Rear Yard: None, except 15 feet shall be required for residential uses or other uses abutting residential zones or residentially developed property.
- e. Special Yard Requirements and Exceptions: See Section 10-1.2725.

**SEC. 10-1.1526 CC-C HEIGHT LIMIT.**

- a. Maximum Building Height: Maximum height shall be established in substantial compliance with the Downtown Hayward Design Plan. A map of building height limits as set forth in that plan is shown in Figure ??.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard 4 feet.
  - (2) Side and Rear Yard 6 feet.
 (Also see Section 10-1. 1555 for additional standards).
- c. Special Height Requirements and Exceptions: See Section 10-1.2730.

--- GRAPHIC INSERT ---

Insert:

1. Residential Density Limit Map
2. Front Yard Setback Map
3. Building Height Limit Map

## SEC. 104.1530 CENTRAL CITY - RESIDENTIAL SUBDISTRICT (CC-R)

### SEC. 10-1.1531 CC-R PURPOSE.

The purpose of the Central City - Residential (CC-R) Subdistrict is to establish a concentration of multi-family and complementary uses in order to provide a quality central city living environment and to provide market support for Central City businesses.

### SEC. 10-1.1532 CC-R PERMITTED USES.

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-R District as primary uses.

- (1) Administrative and Professional Offices/Services.  
None.
- (2) Automobile Related Uses.  
None.
- (3) Personal Services.  
None.
- (4) Residential Uses.
  - (a) Artist's loft. (Live above place of business; non-first floor only.)
  - (b) Boarding home. (Above first floor only)
  - (c) Group home. (Above first floor only. See definition #105.)
  - (d) Multiple-family dwellings. (Above first floor only, with density per Downtown Hayward Design Plan)
  - (e) Single-family dwelling. (Existing as of May 4, 1993, including their accessory structures and uses)
- (5) Retail Commercial Uses.  
None.
- (6) Service Commercial Uses.  
Reverse vending machines. (When located within a convenience zone.)
- (7) Other Uses.
  - (a) Ambulance service.
  - (b) Christmas tree or pumpkin patch lot. (See Section 10-1.2735.d. for standards)
  - (c) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)
  - (d) Public agency facilities.

- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the permitted uses in the CC-R Subdistrict:

- (1) Accessory buildings and uses. (See Section 10.1.1555)
- (2) Garage sales. (4 per year per dwelling. See Section 10-1. 1555)
- (3) Home Occupation. (See definition #111)
- (4) Household pets. (max. 4 cats and 4 dogs. See Section 10-1.2735.f. and definition #170)

(5) Indoor storage.

(Clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the Central City -Residential Subdistrict.

### SEC. 10-1.1533 CC-R CONDITIONALLY PERMITTED USES.

a. Administrative Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-R Subdistrict subject to approval of an administrative use permit:

(1) Administrative and Professional Offices/Services.

None.

(2) Automobile Related Uses.

None.

(3) Personal Services.

None.

(4) Residential Uses.

None.

(5) Retail Commercial Uses.

None.

(6) Service Commercial Uses.

(a) Recycling collection area.

(Small collection facility in a convenience zone.)

(b) Upholstery shop - furniture.

(7) Other Uses.

(a) Ambulance service.

(b) Day Care Center.

(State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definition #7 1. )

(c) Farmer's market.

(First floor only.)

(d) Home occupation - expanded.

(e) Temporary use.

b. Conditional Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the **CC-R** Subdistrict subject to approval of a conditional use permit:

(1) Administrative and Professional Offices/Services.

(a) Accounting and financial offices.

(b) Architectural and engineering offices.

(c) Banks and financial institutions.

(d) Check cashing store.

(e) Chiropractic and acupuncture offices.

(f) Insurance and real estate offices.

(g) Law offices.

(h) Medical and dental offices.

(i) Travel and airline agency offices.

(2) Automobile Related Uses.

(a) Automobile parts store.

(b) Automobile brokerage office.

(See definition #23)

(c) Parking lot.

- (3) Personal Services.
  - (a) Barber or beauty shop. (Excluding college. )
  - (b) Dance studio. (First floor only.)
  - (c) Dry cleaning/laundry. (First floor only.)
  - (d) Health club.
- (4) Martial arts studio. (First floor only.)
  - (a) Massage parlor.
  - (b) Nail salon.
  - (c) Palm reading service.
  - (d) Music studio. (First floor only.)
  - (e) Photography studio.
  - (f) Physical fitness studio. (First floor only.)
  - (g) Shoe repair.
  - (h) Suntan parlor.
  - (i) Tailor/seamstress shop.
  - (j) Tattoo parlor.
- (5) Residential Uses.  
None.
- (6) Retail Commercial Uses.
  - (a) Antique store.
  - (b) Appliance store.
  - (c) Art and art supplies store.
  - (d) Bicycle store.
  - (e) Bookstore.
  - (f) Camera store.
  - (g) Card shop.
  - (h) Carpet/drapery store.
  - (i) Clothing store.
  - (j) Convenience market. (See Section 10-1.2735.b. for regulations of alcohol)
  - (k) Fabric store.
  - (l) Floral shop.
  - (m) Furniture store.
  - (n) Garden supplies store.
  - (o) Gift shop.
  - (p) Hardware store.
  - (q) Jewelry store.
  - (r) Locksmith shop.
  - (s) Music store.
  - (t) Paint/wallpaper store.
  - (u) Pet grooming shop.
  - (v) Pet store.
  - (w) Plumbing and heating store.
  - (x) Restaurant, with bar. (See Section 10-1.2735 .b. for regulations of alcohol)
  - (y) Sporting goods store.
  - (z) Stationary store.
  - (aa) Supermarket.
  - (bb) Thrift store.
  - (cc) Toy store.
  - (dd) Variety store.

(ee) Video sales and rental.

- (7) Service Commercial Uses.
  - (a) Copying or reproduction facility.
  - (b) Mailing or facsimile service.
  - (c) Recycling collection area.
  - (d) Taxi company.
- (8) Other Uses.
  - (a) Cultural facility.
  - (b) Educational facility.
  - (c) Hospital, convalescent home.
  - (d) Recreational facility.
  - (e) Religious facility.

### **SEC. 10-1.1534 CC-R LOT REQUIREMENTS.**

- a. Minimum Lot size: None.
- b. Maximum Residential Density: Densities shall be established in substantial compliance with the Downtown Hayward Design Plan. A map showing residential densities as set forth in that plan is shown in Figure ?.
- c. Minimum Lot Frontage: None.
- d. Minimum Average Lot Width: None.
- e. Maximum Lot Coverage: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

### **SEC. 10-1.1535 CC-R YARD REQUIREMENTS.**

- a. Minimum Front Yard: In substantial compliance with Downtown Hayward Design Plan. A map of front yard setbacks as set forth in that plan is shown in Figure ?.
- b. Minimum Side Yard: 5 feet or 10 percent of the lot width up to 10 feet, unless waived by the Planning Director or by the approving authority.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None, except 15 feet shall be required for residential uses or other uses abutting residential or open space zones or residentially developed property.
- e. Special Yard Requirements and Exceptions: See Section 10-1.2725.

### **SEC. 10-1.1536 CC-R HEIGHT LIMIT.**

- a. Maximum Building Height: Maximum height shall be established in substantial compliance with the Downtown Hayward Design Plan. A map of building height limits as set forth in that plan is shown in Figure ?.
- b. Maximum Accessory Building Height: 14 feet and one story.

c. **Maximum Height for Fences/hedges/walls:**

- (1) Front and Side Street Yard
- (2) Side and Rear Yard

4 feet.

6 feet.

(Also see Section 10-1. 1555 for additional standards).

d. **Special Height Requirements  
and Exceptions:**

See Section 10-1 .2730.

## **SEC. 10-1.1540 CENTRAL CITY - PLAZA SUBDISTRICT (CC-P)**

### **SEC. 10-1.1541 CC-P PURPOSE.**

The purpose of the Central City - Plaza (CC-P) Subdistrict is to establish a unique environment of retail and other complementary uses contributing to the pedestrian nature and quality image of such streets as B Street.

### **SEC. 10-1.1542 CC-P PERMITTED USES.**

a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-P District as primary uses.

(1) **Administrative and Professional Offices/Services.**

- (a) Accounting and financial offices. (Above first floor only)
- (b) Architectural and engineering offices. “ “
- (c) Banks and financial institutions.
- (d) Check cashing store.
- (e) Chiropractic and acupuncture offices. (Above first floor only)
- (f) Insurance and real estate offices. “ “
- (g) Law offices. “ “
- (h) Medical and dental offices. “ “
- (i) Travel and airline agency offices. “ “

(2) **Automobile Related Uses.**

- (a) Automobile parts store.
- (b) Automobile brokerage office. (Above first floor only. See definition #23.)

(3) **Personal Services.**

- (a) Barber/beauty shop. (Excluding beauty college)
- (b) Dry cleaning/laundry.
- (c) Photography studio.
- (d) Shoe repair.
- (e) Tailor/seamstress shop.

(4) **Residential Uses.**

- (a) Artist's loft. (Live above place of business; non-first floor only)
- (b) Group Home. (Above first floor only. See definition #105)
- (c) Residential dwelling unit(s). (Above first floor only.)
- (d) Single-family dwelling. (Existing as of May 4, 1993, including their accessory structures and uses, any floor)

(5) **Retail Commercial Uses.**

- (a) Antique store.
- (b) Appliance store.
- (c) Art and art supplies store.
- (d) Bicycle store.
- (e) Bookstore.
- (f) Camera store.
- (g) Card shop.
- (h) Carpet/drapery store.
- (i) Clothing store.

- (j) Fabric store.
- (k) Floral shop.
- (l) Furniture store.
- (m) Garden supplies store.
- (n) Gift shop.
- (o) Hardware store.
- (p) Jewelry store.
- (q) Locksmith shop.
- (r) Music store.
- (s) Paint/wallpaper store.
- (t) Pet grooming shop.
- (u) Pet store.
- (v) Plumbing and heating store.
- (w) Restaurant. (No bar)
- (x) Sporting goods store.
- (y) Stationary store.
- (z) Supermarket.
- (aa) Theater.
- (bb) Thrift shop.
- (cc) Toy store.
- (dd) Variety store.
- (ee) Video sales and rental.
- (6) Service Commercial Uses.
  - (a) Appliance repair shop. (Above first floor only)
  - (b) Copying or reproduction facility.
  - (c) Mailing or facsimile service.
  - (d) Reverse vending machines. (When located within a convenience zone)
- (7) Other Uses.
  - (a) Broadcasting studio. (Above first floor only.)
  - (b) Public agency facilities

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the permitted uses in the CC-P Subdistrict:

- (1) Accessory buildings and uses. (See Section 10.1.1555)
- (2) Garage sales. (4 per year per dwelling. See Section 10-1. 1555)
- (3) Home Occupation. (See definition #1 11)
- (4) Household pets. (max. 4 cats and 4 dogs. See Section 10-1.2435.f and definition #170.)
- (5) Indoor storage. (Clearly subordinate to a primary or conditional use that is open to the public and which conforms to the policies and goals of the Redevelopment Agency and the CC-P Subdistrict.

**SEC. 10-1.1543 CC-P CONDITIONALLY PERMITTED USES.**

a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-P Subdistrict subject to approval of an administrative use permit:

(1) Administrative and Professional Offices/Services.

- |  |                  |
|--|------------------|
| (a) Accounting and financial offices.      | (On first floor) |
| (b) Architectural and engineering offices. | “ “              |
| (c) Chiropractic and acupuncture offices.  | “ “              |
| (d) Insurance and. real estate offices.    | “ “              |
| (e) Law offices.                           | “ “              |
| (f) Medical and dental offices.            | “ “              |
| (g) Travel and airline agency offices.     | “ “              |

(2) Automobile Related Uses.

Automobile wholesale dealers office (On first floor)

(3) Personal Services.

- |                                  |                         |
|----------------------------------|-------------------------|
| (a) Dance studio.                | (Non-first floor only.) |
| (b) Health club.                 | (Non-first floor only.) |
| (c) Marshall arts studio.        | (Non-first floor only.) |
| (d) Music studio.                | (Non-first floor only.) |
| (e) Nail salon.                  | (Non-first floor only.) |
| (f) <b>Palm</b> reading service. | (Non-first floor only.) |
| (g) Physical fitness studio.     | (Non-first floor only.) |
| (h) Suntan parlor.               | (Non-first floor only.) |

(4) Residential Uses.

None.

(5) Retail Commercial Uses.

None.

(6) Service Commercial Uses.

- |                                |   |
|--------------------------------|---|
| (a) Recycling collection area. | (When located within a convenience zone.) |
| (b) Upholstery shop.           | (Furniture only)                          |

(7) Other Uses.

- |                                 |  |
|---------------------------------|--|
| (a) Ambulance service.          | (Above first floor only)   |
| (b) Banquet hall.               | (Where no alcohol is served)   |
| (c) Catering facility.          | (Where no alcohol is served)   |
| (d) Day care center.            | (Above first floor only. State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definition #7 1.) |
| (e) Farmer's market.            | (First floor only.)  |
| (f) Home occupation - expanded. | (See definition # 112.)  |
| (g) Temporary use.              |  |

b. **Conditionai Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-R Subdistrict subject to approval of an conditional use permit:

(1) Administrative and Professional Offices/Services.

Check cashing store. (First floor only)

- (2) Automobile Related Uses.  
Parking lot or parking structure. (Above first floor only)
- (3) Personal Services.  
(a) Massage parlor. (Above first floor only)  
(b) Tattoo parlor. (Above first floor only)
- (4) Residential Uses.  
None.
- (5) Retail Commercial Uses.  
(a) Bar, Cocktail lounge. (See Section 10-1.2735.b. for regulations of alcohol)  
(b) Dance or night club. “ “  
(c) Convenience market. “ “  
(d) Liquor store. “ “
- (6) Service Commercial Uses.  
Hotel or motel. (Above first floor only)
- (7) Other Uses.  
(a) Auctions. (Above first floor only)  
(b) Banquet hall.  
(c) Catering facility.  
(d) Commercial amusement facility.  
(e) Cultural facility.  
(f) Educational facility.  
(g) Hospital, convalescent home. (Above first floor only)  
(h) Recreational facility.  
(i) Religious facility. (Above first floor only)

#### **SEC. 10-1.1544 CC-P LOT REQUIREMENTS.**

- a. Minimum Lot Size: None
- b. Maximum Residential Density: Densities shall be established in substantial compliance with Downtown Hayward Design Plan. A map showing residential densities as set forth in that plan is shown in Figure ??.
- c. Minimum Lot Frontage: None.
- d. Minimum Average Lot Width: None.
- e. Maximum Lot Coverage: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

#### **SEC. 10-1.1545 CC-P YARD REQUIREMENTS.**

- a. Minimum Front Yard: In substantial compliance with Downtown Hayward Design Plan. A map of front yard setbacks as set forth in that plan is shown in Figure ??.
- b. Minimum Side Street Yard: None.
- c. Minimum Side Yard: None.
- d. Minimum Rear Yard: None, except 15 feet shall be required for residential uses or other uses abutting **residential** or open space zones or residentially developed property.
- e. Special Yard Requirements and Exceptions : See Section 10-1.2725.

**SEC. 10-1.1546 CC-P HEIGHT LIMIT.**

- a. Maximum Building Height : Maximum height shall be established in substantial compliance with the Downtown Hayward Design Plan. A map of building height limits as set forth in that plan. is shown in Figure ??.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard 4 feet.
  - (2) Side and Rear Yard 6 feet.
 (Also see Section 10-1. 1555 for additional standards).
- d. Special Height Requirements and Exceptions: See Section 10-1 .2730.

**SEC. 10-1.1550 SITE PLAN REVIEW REQUIRED FOR CC-C, CC-R, AND CC-P DISTRICTS.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines.

**SEC. 10-1.1555 MINIMUM DESIGN AND PERFORMANCE STANDARDS FOR CC-C, CC-R, AND CC-P SUBDISTRICTS.**

The City recognizes that high-quality design of commercial structures can contribute to a positive appearance of neighborhoods and improve the overall character of the community. This Section establishes design and performance standards that shall apply to residential and commercial development allowed in the CC districts, including but not limited to cultural, educational, religious or recreational facilities. The following documents shall be referred to and applied where applicable for development in the CC districts:

City of Hayward Design Guidelines, November 9, 1993.

Downtown Hayward Design Plan, July 7, 1992.

Design Requirements and Guidelines of Downtown Hayward, July 7, 1992.

Hayward Downtown Historic Rehabilitation District Commercial Design Manual,  
November 9, 1993.

The Core Area Plan - Recentering, July 28, 1992.

Downtown Hayward Redevelopment Plan, July 28, 1992.

a. **Single Family Dwelling.**

For single-family dwellings existing as of May 4, 1993, any addition, accessory building and use shall conform to the Single-Family Residential District Minimum Design and Performance Standards, Section 10-1.245, and the following applicable criteria and standards..

b. **Multiple-family dwelling.**

For multiple-family dwelling(s) refer to the design criteria contained in the above documents, the Minimum Design and Performance Standards contained RH District, and the following applicable criteria and standards relating to multiple-family dwellings.

c. **Commercial Buildings and Uses.**

For commercial buildings and uses refer to the design criteria contained in the above documents, which ever is most applicable, and the following specific criteria and standards.

d. **Accessory Buildings, Detached.**

Detached accessory buildings, including but not limited to carports, garages, greenhouses, patio covers, sheds, etc., shall meet the following criteria:

- (1) Shall not exceed one story or 14 feet in height.
- (2) Shall use exterior building materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
- (3) Shall not be located in a required front yard or side street yard.
- (4) Shall be setback a **minimum** of 5 feet from a side or rear property line.
- (5) Shall not be located in front of a primary building, unless no other practical alternative exists.

- (6) Shall be setback a minimum of 10 feet from a primary building and **any** other accessory building.
- (7) The area of all accessory buildings, either individually or cumulatively shall not exceed 50 percent of the ground floor area of the primary **building**.
- (8) Accessory buildings shall not cumulatively exceed 40% coverage of a required rear yard.
- (9) Accessory buildings may include a bathroom but shall not be used for habitable living spaces.

e. **Accessory Structures, Decorative.**

Detached decorative accessory structures, including but not limited to arbors, rain and shade covers (made of canvas or other fabric), trellises, etc., shall meet the following criteria:

- (1) Shall not exceed one story or 14 feet in height.
- (2) Shall use exterior materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
- (3) Shall not be located in a required front yard or side street yard.

f. **Additions and Accessory Structures Attached to Primary Building.**

Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building.

g. **Adult Entertainment Activity.**

Refer to Section 10-1.2735.a. for Adult Entertainment Activity Regulations.

h. **Alcoholic Beverage Outlets.**

Refer to Section 10-1.2735. b. for Alcoholic Beverage Outlet Regulations.

i. **Antennas and Satellite Dishes and Telecommunications Devices.**

Refer to Article 13, of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.

j. **Architectural Design Principles .**

- (1) All Areas. Refer to the City of Hayward Design Guidelines. Where applicable, development shall also be in substantial conformance with the Downtown Design Plan.

- (2) Redevelopment Area. The following special provisions shall apply to buildings located on property within the jurisdiction of the City of Hayward Redevelopment Agency, except for multifamily residences and single family residences, unless specifically noted herein. For additional information regarding development standards in the Redevelopment Area, refer to the Design Requirements and Guidelines for Downtown Hayward.

- (a) The Redevelopment Administrator shall be vested with the discretion to require or waive removal of prohibited design elements.

- (b) All construction, including awnings and canopies, shall conform to requirements of the City of Hayward building, plumbing, electrical and mechanical codes and requirements of the State of California(i.e., the Alquist-Priolo Act; Title 24 of the California Administrative Code).

- (3) New Construction.

- (a) All Areas.

- (i) New **commercial** and multifamily residential construction should reflect the qualities of its particular design environment through use of similar materials, glazing, finishes and

colors.

- (ii) Buildings must be oriented to the street for ease of pedestrian access and to insure continuity of frontages.
- (iii) Parking areas must be screened and landscaped, and must not be so designed as to create barriers for pedestrians.
- (iv) Landscaping must be scaled to pedestrians and used to accent architecture.
- (v) Buildings may be setback to accommodate landscaping, plaza areas or outdoor dining.
- (4) Building Types. Building types existing in the Downtown Hayward Redevelopment Area have been identified as follows:
  - (a) Main Street Building. Buildings characterized by vertical piers along length of building, with a horizontal sign area above storefront, surmounted by a decorative parapet or cornice, and with upper floor facades penetrated by window openings. Main Street Buildings are located in the Central Area, generally centered around Mission, B and Main Streets and vicinity.
  - (b) Other Buildings. Structures designed for special purposes and structures which do not fit into the Main Street or Showcase Building definitions, or structures which have been so changed **from** their original form that they can no longer be categorized as Main Street or Showcase Buildings
- (5) Building Facades - Colors.
  - (a) Buildings shall generally be light in color.
  - (b) Accent color for detailing must be coordinated with principal color.
  - (c) Color combinations shall be harmonious for the entire building.
  - (d) Fluorescent, loud or sharply contrasting colors are prohibited, except neon lighting may be considered for restaurant type uses, subject to the approval of the Planning Director or other necessary authority.
- (6) Building Facades - Materials and Finishes.
  - (a) All Buildings.
    - (i) Exterior design and materials shall be harmonious for the building as a whole and blend harmoniously with materials and finishes of nearby buildings. Materials and finishes shall be of durable quality, intended for exterior application and applied in a professional manner.
    - (ii) Wherever possible, original design materials and finishes must be preserved and deteriorated or damaged areas must be repaired with identical or similar materials.
  - (b) Main Street Buildings.
    - (i) Permitted exterior wall materials include, but are not limited to, brick, textured stucco, dressed or cut stone, and terra cotta. Wood siding or shingles may be used when restoring or maintaining the original design but may not be introduced as an entirely new material. All wood must be smooth-finished and stained or painted consistent with the original design scheme.
    - (ii) Prohibited exterior wall materials include rough-hewn or rustic materials, such as rough-hewn or diagonally applied wood siding, shakes, shingles, and fieldstone; corrugated metal siding; shiny metal or shiny panel siding; plastic panels; imitation brick siding; plywood siding; materials produced for residential or industrial uses; and materials which are inappropriately scaled, such as lava rock, permastone and small tiles. Natural materials, such as fired or glazed brick, tile, marble, terra cotta shall not be **painted over. Brick surfaces shall not be repaired with stucco or covered with stucco.**
  - (c) Showcase Buildings.
    - (i) Sign panel materials shall be smooth, hard-surfaced or slick materials. Side pier and

- base materials shall relate to the sign panel material or the storefront framing material.
- (ii) Prohibited exterior materials include rough-hewn or rustic materials; heavily textured materials; corrugated metal siding; materials produced for residential or industrial uses and materials which are inappropriately scaled; materials which are flimsy in nature. Brick surfaces shall not be repaired with stucco or covered with stucco.
- (7) Storefront Elements Materials and Finishes. Wherever possible, building fronts must not be blocked off with walls or blank solid doors, nor shall windows or other openings be filled in.
- (a) Main Street Buildings.
    - (i) The exterior base of storefronts, the area of building below the display window, may be polished marble panels, decorative metal or appropriately scaled ceramic tile.
    - (ii) Original materials should be maintained.
    - (iii) Shiny metal or shiny stone panels are prohibited base materials.
    - (iv) Prohibited entryway paving materials include carpeting, imitation turf and linoleum.
  - (b) Showcase Buildings.
    - (i) Only durable materials such as brick pavers, flagstone, terrazzo or tile shall be used for entryways.
    - (ii) Prohibited paving materials include carpeting, imitation turf and linoleum.
    - (iii) Storefront materials shall generally have a hard, smooth, durable surface.
- (8) Rear or Service Area Building Exteriors.
- (a) Loading areas, to the extent possible, must be kept separate from pedestrian and vehicular traffic.
  - (b) Pedestrian circulation and auto parking areas must be defined and landscaped.
  - (c) All areas must be kept free of trash and debris.
  - (d) Trash containers must be stored in enclosed facilities, integrated as much as possible into the design of the building.
- (9) Awnings and Canopies.
- (a) All Buildings.
    - (i) In general, awnings and canopies must be harmonious in shape, color, and pattern and must be compatible with the design of the building.
    - (ii) They must relate to window size and configuration, and must not dominate the storefront or cover up or destroy the building's architectural quality.
    - (iii) All awnings and canopies shall be installed in a professional manner, avoiding, to the extent possible, unsightly bracing and supporting elements.
  - (b) Main Street Buildings.
    - (i) Permitted awnings and canopies include adjustable or fixed canvas or fixed metal, located over either or both ground and upper-floor windows.
    - (ii) Prohibited awnings and canopies include those which are freestanding or partially self-supporting, continuous horizontal, and continuous building projections.
- (10) Maintenance.
- (a) All commercial and multifamily residential buildings and properties shall be maintained so as to enhance the appearance of downtown Hayward.
  - (b) Properties exhibiting characteristics which include, but are not limited to, the following are considered deleterious and are prohibited:
    - (i) Cracked masonry or stucco;
    - (ii) Broken or missing windows, screens or doors;
    - (iii) Unrepaired fire or vandalism damage;
    - (iv) Peeling, blistering or fading paint;
    - (v) Missing or deteriorated trim, tiles or other building elements;
    - (vi) Obsolete or deteriorated signs;

- (vii) Torn or tattered awnings;
- (viii) Dented or unrepaired metal overhangs;
- (ix) Graffiti;
- (x) Exposed storage behind windows;
- (xi) Debris, weeds or unkempt landscaping;
- (xii) Conditions attractive to pigeons;
- (xiii) Absence of adequate trash enclosure.

(11) Compliance Effective Dates. Compliance with these regulations for the Redevelopment Area shall be as follows:

- (a) As of the effective date of these regulations, all new buildings or building expansions for which a building permit is required.
- (b) As of the effective date of these regulations, all exterior building modifications for which a building permit is required.
- (c) As of the effective date of these regulations, all new signs or sign modifications for which a sign permit is required. (Sign requirements applied only.)
- (d) As of the effective date of these regulations, all interior building work exceeding an estimated value of \$10,000, as determined by the Building Official, for which a building permit is required.

k. **Architectural Projections into Yards.**

Architectural features such as bay windows, cornices and eaves may extend 2 feet into any required yard.

l. **Decks and Ramps.**

- (1) Decks and ramps 12 inches or less in height may be located in any yard.
- (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.
- (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
- (4) Decks located in hillside areas shall conform to the Hillside Design and Urban/Wildland Interface Guidelines.
- (5) Ramps for persons with physical disabilities providing access to single-family dwellings shall be constructed in a side yard where possible. If constructed in the front yard shall be decorative, and materials used shall match the home as much as possible. Landscape screening shall be provided along the sides of the ramp.

m. **Fences, Hedges, Walls.**

- (1) Fences, hedges and walls shall require approval by Planning Director or other approving authority, as determined by the Planning Director.
- (2) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.
- (3) A masonry wall not less than 6 feet in height, shall be required where any commercial district abuts any R, A, MH, OS, residential PD District, or other district where there is conforming residential development on the first floor (except adjacent to a required front or side street yard or abutting a street right-of-way). The masonry wall shall be constructed and maintained along the interior lot lines of such district abutted unless waived or another material is approved by the approving authority because the abutting activity or use is nonconforming, or the commercial activity or use is of low intensity and any impact can be otherwise mitigated.
- (4) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at

- grade measured on either side of the fence. For fences and walls required to be at least 6 feet high or greater, the height shall be at least the required on both sides of the fence or wall.
- (5) Barb or razor wire or similar security fencing shall not be less than 6 feet above ground along a common property line of a residential property. Such fencing shall not exceed 3 feet in height and where used shall be angled away from the residential property.
  - (6) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.

**n. Grading.**

All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, Design Guidelines and Hillside Design and **Urban/Wildland** Interface Guidelines.

**o. Landscaping.**

**(1) Landscape Areas.**

- (a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
- (b) Parking is prohibited within required front and side street yards. Where no front or side street yards are required:
  - (i) A landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the approving authority, shall be installed between accessory parking areas and all existing or future street rights-of-way; and
  - (ii) The area between all buildings and existing or future street rights-of-way shall be landscaped unless waived by the approving authority.
- (c) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
- (d) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the **finished** pavement.

**(7) Buffer Trees/Landscaping.**

- (a) A minimum of one **15-gallon** buffer tree shall be planted for every 20 lineal **feet** of property line where a required side or rear yard abuts an A, R, MH, OS, or residential PD District.
- (b) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.

**(8) Parking Lot Trees/Planters.**

- (a) Parking areas shall include a minimum of one **15-gallon** parking lot tree for every six parking stalls, except where restricted because of design constraints.
- (b) Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- (c) The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.
- (d) The end of parking rows shall be capped with landscape medians, except where space is

restricted because of existing site conditions.

- (e) Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous **30-inch-high** screen within 2 years.

(9) Street Trees.

- (a) Street trees shall be planted along all street frontages at a minimum of one **24-inch** box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.

(10) Landscaping Near BART.

- (a) Parcels abutting, or within 500 feet and in direct view from the BART right-of-way shall include a minimum 10-foot wide landscape strip along the property line(s) abutting or in view from the BART right-of-way.
- (b) A minimum of one **15-gallon** buffer tree shall be planted for every 20 lineal feet of property line. The approving authority may waive the requirement if it would not accomplish the intent of City policies as they relate to landscaping due to existing structures or other obstructions to viewing landscaping.

(11) Irrigation.

Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.

(12) Tree Preservation.

- (a) Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period.
- (b) A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured two feet above the ground.

(13) Maintenance.

- (a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.
- (b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

p. Lighting, Exterior.

- (1) Exterior lighting and parking lot lighting shall provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is **confined** to the property and will not cast direct light or glare upon adjacent properties or public rights of way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.
- (2) Subject to the approval of the Redevelopment Administrator, intermittent, rowed lights or neon may outline the window or window letters and designs, for development within the jurisdiction of the City of Hayward Redevelopment Agency, providing the lighting is inside the window and is not glaringly bright.

q. Parking, Driveways and Paving.

Parking, driveways and paving for residential and commercial uses shall be provided in accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

(1) Parking Spaces Required.

With exception to the following specific requirements, refer to the parking space requirements contained in the Off-Street Parking Regulations:

(a) Non-Residential Parking Requirement:

- (i) Non-Residential uses shall provide a minimum of 1 .0 space for each 315 square feet of gross floor area.
- (ii) Additional off-street parking spaces shall not be required for construction of new buildings for commercial uses located on the ground floor in the Central City-Plaza District.
- (iii) Off-street parking spaces shall not be required for construction of new buildings of similar area which replace demolished or damaged buildings within 6 months that were located all or partially in the Central City-Plaza District.

(b) Residential Parking Requirement:

- (i) Multiple-Family housing shall provide a minimum of 1.0 covered and 0.5 uncovered spaces per dwelling unit.
- (ii) Multiple-family **housing** exclusively for the elderly shall provide a minimum of 0.5 covered space per dwelling . (Occupancy requirements must be guaranteed, for example, condition of government financing or grant, or other guarantee acceptable to the City.)
- (iii) Within the area subject to the Downtown Core Area Specific Plan, the residential parking requirement may be reduced by the approving authority to a minimum of 1 .0 covered space per dwelling unit provided that the aggregate parking supply for all residential units at build out, as described in the Specific Plan, excluding units exclusively for the elderly, is 1.0 covered and 0.50 open spaces per dwelling. Residential parking requirements may be met in locations other than on the development sites, subject to the approval of the reviewing authority.

(2) Parking Space Dimensions.

- (a) Standard car parking spaces shall be a minimum of 9 feet wide by 19 feet long.
- (b) Compact car parking spaces shall be a minimum of 8 feet wide by 15 feet long.
- (c) Covered or uncovered parking spaces located adjacent to walls or support columns shall be increased in width by at least one foot on the effected side(s), to accommodate door swing.
- (d) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.

(3) Parking Space Locations.

- (a) Parking spaces shall not be located within the required front yard or side street yard setback.
- (b) Parking spaces and driveways, not located under a building may be located in a required side and rear yard, but shall not be located within 5 feet of any side or rear yard property line or building. Unless wheel-stops are used, curbing for standard car or compact car parking spaces shall be setback 7 feet 6 inches and 7 feet, respectively, from a property line or building if a vehicular overhang is used.
- (c) For lots less than 51 feet in width, parking and vehicular circulation may be located to within three feet of a side property line.

(4) Driveways and Paving.

- (a) The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.
- (b) In no case should a driveway exceed one-third of the width of the property frontage width or 35 feet.
- (c) Parking and driveway surfaces shall be paved with asphaltic surface or comparable all-weather dustless material(s), such as bricks or pavers, as approved by the Planning

Director.

(5) Driveway Aisle Dimensions.

The minimum parking lot driveway aisle width shall for a two-way aisle shall be 26 feet for a standard car aisle and 20 feet for a compact car aisle.

(6) Driveway Turnaround Requirement.

All commercial and multi-family property shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction.

(7) Driveway Security Gates.

Refer to Section 10-2.626 of the Off-Street Parking Regulations.

(8) Emergency Vehicle Turn-Around Requirement.

Where the farthest point of a dwelling unit(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)

(9) Private Street Criteria.

Refer to the Standard Details and Section 10-1.2735.i. for design criteria and standards.

r. Office Uses in the CC-P Subdistrict.

- (a) Offices in the CC-P Subdistrict and on the ground floor shall remain open between the hours of 10 a.m. and 5 p.m., Monday through Friday, except holidays when they may be closed.
- (b) Offices shall maintain display windows in an open and attractive manner, and non-view-obscuring doorways shall face the street.
- (c) No physical changes to the building shall occur which would make it difficult or costly to convert back to a retail use.
- (d) Use Permits granted for offices on the ground floor shall be for at least 2 years but not to exceed 5 years as determined by the approving authority.

s. Open Space.

- (1) A minimum of 100 square feet of usable open space is required per dwelling unit. Provisions for usable open space may be waived by the Planning Director or other approving authority for a project consisting of the remodeling of existing dwelling unit(s) or conversion of an existing building to a residential use.
- (2) A minimum of 30 square feet per unit shall be utilized for group open space unless the Planning Director or other approving authority reduces this amount or waives the requirement where an alternative open space design would be more appropriate to the shape or terrain of the parcel or tenant character or location of the property.
- (3) Group open space, where provided, shall meet multi-family minimum standards.
- (4) Except as noted herein, private ground-level and above-ground space shall conform to multi-family minimum standards; for example, balconies shall be not less than 60 square feet in area with a minimum dimension of six feet. Above-ground, open space such as balconies shall not be located within any required setback area unless waived by the Planning Director or other approving authority.
- (5) Open space areas and amenities provided within them shall be available to all residents in a given residential project at no charge other than through conventional rental payments or **homeowners' association maintenance dues or other such charges (i.e., no monthly membership dues permitted.)**
- (6) Site-specific special event rentals of open space areas and amenities are permitted (i.e., rental of a clubhouse for a wedding is permitted.)

t. **Outdoor Storage.**

All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site; storage is not placed within required yard or parking areas, and the storage is compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).

u. **Retaining Walls.**

- (1) Retaining walls which are not a part of walls of buildings shall not exceed 6 feet in height as measured from finished grade elevation to top of wall.
- (2) A maximum of two successive, approximately parallel retaining walls is permitted when they are separated by a minimum horizontal distance of 6 feet as measured between centerline of the walls.
- (3) Any additional successive walls shall require a minimum of 15 feet separation provided the required grading is in conformance with City standards and guidelines.
- (4) The sides of exposed exterior retaining walls shall be architecturally treated as approved by the Planning Director.
- (5) The Planning Director may administratively alter or waive any wall requirement, if, in the Planning Director's opinion, no practical alternative exists, the purpose of the regulation will not be compromised, and no detrimental impact will result.

v. **Roof-Mounted Equipment.**

Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view as required by Planning Director or other approval authority.

w. **Signs.**

- (1) Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, shall not be hazardous to vehicular traffic, and shall be of a quality conducive to the development of commerce.
- (2) **Redevelopment Area.** For additional information regarding development standards in the Redevelopment Area, refer to the Downtown Design Requirements and Guidelines for Downtown Hayward plan, the Commercial Design Manual for Downtown Hayward and the Downtown Section of the Hayward Design Guidelines.
- (3) **General**
  - (a) **Permitted Signs.** Wall, window, awning, projecting, hanging monument signs, sidewalk display signs and signs of historical or aesthetic significance.
  - (b) **Prohibited Signs.** Roof, pole (except as otherwise provided) animated, revolving, flashing (except as part of a window display), portable or signs that obscure the detail of building facades.
  - (c) **Colors.** Sign colors must relate to the paint scheme of the building. No more than three colors shall be used on any one sign, unless approved by the Redevelopment Administrator. Fluorescent colors are prohibited.
  - (d) **Lighting** can be illuminated with directional spotlights, indirect lighting or internal lighting if the effect at night is not glaringly bright.
  - (e) **Graphic Design.** Sign construction and sign copy must be of professional quality. Primary signage should be designed to identify a business rather than advertise a brand-name product. Adequate contrast between sign, text, and background must be provided but glaring white sign backgrounds and intense colors must be avoided. A letter style that is

readable and in scale with the size of the sign must be used. If more than one sign is used, the signs must be compatible in style.

- (f) Sign Installation. All signs, except window signs, require a sign permit and building and electrical permits where required. All signs shall be installed in a professional manner, avoiding, to the extent possible, unsightly guy wires or other stabling devices.

(4) Sign Area and Number

- (a) Maximum Number. For all establishments the maximum number of signs permitted per frontage is 2. The maximum number of signs permitted per establishment is four except that window signs do not count toward the total.

- (b) Total Area. The total area encompassed by a contrasting color scheme shall be counted when calculating allowable sign area.

(c) Foothill Boulevard and "A" Street Area.

- (i) The maximum sign area is 2 square feet per linear foot of primary frontage, and one square foot per linear foot of secondary frontage.
- (ii) Only one frontage, which must contain a public entrance, may be counted as primary frontage. All other building frontages which have exposure to pedestrian or vehicular traffic are considered secondary frontages.
- (iii) **Only** one secondary frontage may be counted for determining maximum sign area for all secondary frontages. **Signs** displayed on a single frontage shall be limited to the area and number that are permitted on that frontage alone.
- (iv) No establishment shall be permitted more than a total of 200 square feet of sign area. Each establishment shall be entitled to a minimum of 50 square feet for the primary frontage.

(d) Locations Other Than Foothill Boulevard and "A" Street.

- (i) The maximum sign area is one square foot per linear foot of primary frontage, and one-half square foot per linear foot of secondary frontage.
- (ii) Only one frontage, which must contain a public entrance, may be counted as primary frontage. All other building frontages which have exposure to pedestrian or vehicular traffic are considered secondary frontages.
- (iii) Only one secondary frontage may be counted for determining maximum sign area for all secondary frontages. Signs displayed on a single frontage shall be limited to the area and number that are permitted on that frontage alone.
- (iv) No establishment shall be permitted more than a total of 100 square feet of sign area. Each establishment shall be entitled to a minimum of 30 square feet for the primary frontage.

(5) Sign Types.

(a) Wall Signs.

- (i) Wall signs may be painted on the wall, or be made of metal, wood (except untreated plywood), plastic, neon or vinyl.
- (ii) Fluorescent material is prohibited. Signs shall be located no higher than the cornice or parapet line, whichever is lower.
- (iii) Wall signs erected before adoption of Section 10-1.4993 B shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent, and do not extend above the cornice or parapet line, whichever is lower, by more than 25 percent of the height of the sign.

(b) **Permanent Window Signs.**

- (i) Permanent window signs may include graphics painted on glass, vinyl letters applied to glass, a clear acrylic panel behind the window, or small neon window signs and should be white or light in color since windows have a tendency to appear dark.

- (ii) Permanent window signs shall not occupy more than 25 percent of the total area of the window and shall not be counted toward allowable sign area.

(c) Projecting Signs.

- (i) Projecting signs shall be located no higher than the cornice or parapet line, whichever is lower, and must be located so as to not obscure any architectural detail of the facade. A double face projecting sign shall be considered one sign.
- (ii) The maximum size of a projecting sign shall be 40 square feet (20 sq. ft. per side). Projecting signs shall not project more than 3 feet horizontally, except that along Foothill Boulevard and along "A" Street projecting signs may project up to 5 feet horizontally. In no case may the sign come within two and one-half feet of the curb.

(d) Horizontal Hanging Signs.

- (i) Horizontal hanging signs, suspended from a canopy or awning, may be placed above an entry. A **hanging** sign shall not exceed 8 square feet in size (4 sq. ft. per side).
- (ii) Hanging signs erected before adoption of this Section shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.

(e) Overhang (Marquee) Signs.

- (i) Overhang (marquee) signs are mounted atop the overhang, parallel to the storefront, should not be used in conjunction with wall signs.
- (ii) Overhang signs shall not exceed 3 feet in height.

(f) Awning Signs (ground floor).

- (i) Awning signs (ground floor) shall not cover more than 30 percent of the total surface area of the awning. The area of an upper-floor awning sign shall not cover more than 20 percent of the total surface area of the awning.
- (ii) Colors and lettering of awning signs shall be compatible with businesses they serve, as well as harmonize with neighboring storefronts. Signs on two side panels of an awning shall be considered as one sign for purposes of calculating total number of allowable signs.
- (iii) Awning signs erected before adoption of Section 10-1.4993 B shall be considered in conformance if they do not exceed the maximum allowable area by more than 25 percent.

(g) Service Station Signs.

- (i) Each establishment shall be entitled to a maximum of 100 square feet of business identification, sales and service signs. No such signs shall be freestanding or pole mounted except as provided below.
- (ii) One freestanding business identification sign is allowed. Such sign shall not exceed 60 square feet, 30 square feet per face, 15 feet in height or extend beyond the property line. Such sign shall be included in the 100 square foot limitation; and any freestanding business identification sign erected after the adoption of Section 10-1.4993 B(2) this Section shall incorporate a decorative base of brick, stucco, wood, or similar material. A double-faced price sign may be incorporated into or attached to the decorative base. A double-faced price sign may also be attached to the pole of a conforming freestanding business identification sign. Such price signs shall not exceed 15 20 square feet in area per face.
- (iii) Additional Signs. One freestanding, double-faced price sign per street frontage may be permitted. No such sign shall exceed 15 20 square feet per face. Other miscellaneous State authorized signs may not exceed the minimum size and number provided for by the State. Such miscellaneous signs may be wall or pole mounted.

(h) Temporary Signs.

- (i) Hanging Banners. ‘Grand Opening’ banners shall be permitted on a one-time-only basis for a period not to exceed 30 days. Hanging banners shall be permitted for promotional events, twice each year, not to exceed 14 consecutive days each. Other **signage** for promotional and “Grand Opening” events, as provided for in the Sign Ordinance, shall also be permitted subject to the size, number, and permit regulations set forth in that ordinance.
- (ii) Paper or Paint Window Signs. Special sale window signs of either paper or paint, are permitted. Such signs when combined with permanent window signs, must not occupy more than 25 percent of the total area of the window.
- (iii) Portable Signs. A-frame, mobile sandwich board signs, and similar signs are prohibited.
- (iv) Sidewalk Display signs. Sidewalk display signs (such as sandwich boards) may be placed on private property, or within the first 18 inches of public property that is directly in front of the individual business. Such sign shall not exceed six square feet per side and limited to one per business. Sidewalk display sign area shall not count toward, allowable sign area. A minimum passage way width of 48 inches must be maintained along the sidewalk in front of such sidewalk display sign. Such signs shall not be displayed during non-business hours.

x. Surfacing.

All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.

y. Trash and Recycling Facilities.

- (1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site. .
- (2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.
- (3) Shall have a covered roofed.

***(Note: The following sections have been incorporated above into the Design and Performance Standards)***



## SEC. 104.1600 INDUSTRIAL DISTRICT (I)

Sections :

Section 10-1. 1605 Purpose.

Section 10-1.1610 Subdistricts.

Section 10-1. 1615 Uses Permitted.

Section 10-1. 1620 Conditionally Permitted Uses.

Section 10-1. 1625 Lot Requirements.

Section 10-1. 1630 Yard Requirements.

Section 10-1. 1635 Height Limit.

Section 10-1. 1640 Site Plan Review Required.

Section 10-1. 1645 Minimum Design and Performance Standards.

### SEC. 10-1.1605 PURPOSE.

The purpose of the Industrial (I) District is to provide for and encourage the development of industrial uses in areas suitable for same, and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties.

### SEC. 10-1.1610 SUBDISTRICTS.

None.

### SEC. 10-1.1615 USES PERMITTED.

a, Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the I District as primary uses, when not adjacent to a residentially zoned property or properties, when not specified as an administrative or conditional use and when the use is conducted completely within an enclosed building(s) provided that minor open storage may be permitted as an ancillary use.

#### (1) Industrial Uses.

- (a) Manufacturing.
- (b) Newspaper printing facility.
- (c) Publishing facility. (Publishing and distribution of books and magazines.)
- (d) Research and development facility.
- (e) Research laboratory.
- (f) Warehouse.
- (g) Wholesale establishment.
- (h) Hazardous materials use and storage subject to the following limitations:
  - (i) Production, storage, and/or handling, utilizing Group B hazardous materials less than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
  - (ii) Production, storage, and/or handling, utilizing Group C hazardous materials less than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.)

#### (2) Administrative and Professional Offices/Services.

- (a) Architectural, drafting and engineering offices.
- (b) Banks and financial institutions.

- (c) Interior design studio.
- (d) Manufacturer's representative office.
- (e) **Medical/dental** laboratory.
- (f) Office.

(When located in a building within a planned industrial park of 25 acres or more in area, as defined on the map on file in the Community and Economic Development Department. )

(3) Automobile Related Uses.

- (a) Automobile parts store.
- (b) Automobile repair (major and minor.)
- (c) Parking lot.

(Requires Site Plan Review.)

(4) Personal Services.

Barber or beauty shop.

(Within an industrial complex where the cumulative floor area of all retail uses therein does not constitute more than 10 percent of the floor area of the industrial complex.)

(5) Residential Uses.

None.

(6) Retail Commercial Uses.

- (a) Office supplies/equipment sales.

(Where the cumulative area of the retail/commercial use does not constitute more than 10 percent of the first floor area of the industrial complex. May include computer sales. )

- (b) Retail sales.

(Sale at retail of goods and merchandise produced, manufactured, or distributed on-site, where the cumulative floor area of the retail activity does not exceed 10 percent of the first floor area of the industrial building. Sale is of new commodities only, not used goods. Includes weekend sales of new commodities year-round.)

(7) Service Commercial Uses.

- (a) Reverse vending machines(s).
- (b) Copying or reproduction facility
- (c) Mailing or facsimile service.

(When located within a convenience zone.)

(8) Other Uses.

- (a) Ambulance service.
- (b) Broadcasting studio.
- (c) Christmas tree

(Radio and television.)

or pumpkin patch lot.

(See Section 10-1.2735.d. for standards)

- (d) Public agency facilities.

b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the I District:

- (1) Accessory buildings and uses. (See Sec. 10-1.1645)
- (2) Food Vendor (Requires Food Vendor Permit, see Sec. 10-1.1645)
- (3) Living quarters for security or switchboard personnel employees, not exceeding 1,200 square feet in floor area.

(4) Minor open storage.

(See Sec. 10-1. 1645)

**SEC. 10-1.1620 CONDITIONALLY PERMITTED USES.**

a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the I District subject to approval of an administrative use permit:

(1) **Industrial Uses.**

- (a) Brewery or liquor distillery, including grain elevators.
- (b) Building materials sales.
- (c) Contractors storage yard.
- (d) Industrial equipment sales or rental.
- (e) Major Open Storage.
- (f) Perfume or vinegar manufacture.
- (g) Railroad yard.
- (h) Recreational vehicle storage facility.
- (i) Recycling collection area.
- (j) Sandblasting activities.
- (k) Truck terminal.
- (l) Truck rental.
- (m) Truck storage yard.
- (n) Vehicle dismantling facility. (Indoors only)
- (o) Wind energy conversion system.
- (p) Hazardous materials use and storage subject to the following limitations:
  - (i) Production, storage, and/or handling, utilizing Group B hazardous materials which exceed the following thresholds: 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
  - (ii) Production, storage, and/or handling, utilizing Group C hazardous materials which exceed the following thresholds: 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.)

(2) **Administrative and Professional Offices/Services.**

None.

(3) **Automobile Related Uses.**

- (a) Automobile brokerage office. (See definition #23)
- (b) Automobile rental.
- (c) Automobile service station. (See Sec. 10-1. 1645 for special requirements)
- (d) Automobile storage facility. (See definition #30)
- (e) Automobile towing yard.
- (f) Car wash. (See Sec. 10-1. 1645 for special requirements)
- (g) Drive-in establishments. (See Sec. 10- 1.1645 for special requirements)

(4) **Personal Services.**

- (a) Barber or beauty shop.
- (b) Tailor/seamstress shop.

(5) **Residential Uses.**

None.

(6) **Retail Commercial Uses.**

- (a) Carpet store/showroom. (Combination of wholesale and retail)
- (b) Convenience market. (Only if located within a service station)
- (c) Drapery store/showroom. (Combination of wholesale and retail)

- (d) Furniture store/showroom. (Combination of wholesale and retail)
- (e) Office supplies/equipment sales and rental.
- (f) **Restaurant/delicatessen.**
- (g) Retail sales within a hotel or motel.

(7) Service Commercial Uses.

Hotel or motel.

(8) Other Uses.

- (a) Animal hospital.
- (b) Carnival.
- (c) Commercial amusement facility. (Special consideration given to location and land use compatibility)
- (d) Cultural facility.
- (e) Educational facility. (Special consideration given to location and land use compatibility)
- (f) Health Club. (Special consideration given to location and land use compatibility)
- (g) Kennel.
- (h) Recreational facility. (Special consideration given to location and land use compatibility)
- (i) Temporary use.,

b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the I District subject to approval of a conditional use permit:

(1) Industrial Uses.

- (a) Any Industrial Use(s) located on a parcel(s) which abuts an, R, A MH, OS or residential PD zoning district.
- (b) Hazardous materials use and storage subject to the following limitations: Production, storage, handling, or similar activities utilizing any amount of hazardous materials classified as Group A hazardous materials by the Fire Chief or his or her designee.

(2) Administrative and Professional. Offices/Services.

None.

(3) Automobile Related Uses.

None.

(4) Personal Services.

None.

(5) Residential Uses.

None.

(6) Retail Commercial Uses.

- (a) Bar, cocktail lounge. (See Sec. 10-1.2735. b. for regulations of alcohol)
- (b) Sale of retail goods with a regional or sub-regional marketing base, including but not limited to discount retail or warehouse retail, on a minimum 4-acre parcel which is visible from Interstate 880 or State Highway 92.
- (c) Nursery (plants), on a minimum 2-acre parcel located on an arterial street.

(7) Service Commercial Uses.

None.

(8) Other Uses.

- (a) Public storage facility. (See definition #214)
- (b) Recreational vehicle storage facility. (See definition #189)

(c) Taxi company.

(See definition #227)

**SEC. 10-1.1625 LOT REQUIREMENTS.**

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage:
  - (1) Industrial building: No limit.
  - (2) Office building: 40 percent.
  - (3) Commercial uses: 90 percent.
- e. Special Lot Requirements and Exceptions: See Section 10-1.2720.

**SEC. 10-1.1630 YARD REQUIREMENTS.**

- a. Minimum Front Yard:
  - (1) Standard Street: 10 feet.
  - (2) Corridor Street: 20 feet.

(For parcels fronting on Industrial Boulevard, Industrial Parkway, Industrial Parkway SW, Clawiter Road, and West Winton Avenue.
- b. Minimum Side Yard: None.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
  - (1) 20 feet where abutting an A, OS, R, MH, C, or residential PD zoning district.
  - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

**SEC. 10-1.1635 HEIGHT LIMIT.**

- a. Maximum Building Height:
  - (1) Industrial building: No Limit.
  - (2) Office building: 40 feet.
  - (3) Commercial uses: 40 feet.
- b. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard: 4 feet.
  - (2) Side and Rear Yard: No Limit.

(Also see Section 10-1.1645 for additional standards)
- c. Special Height Requirements and Exceptions: See Section 10-1.2730.

**SEC. 10-1.1640 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building, grading, or construction permit within this district only if the Planning Director determines that a project material alters the appearance and character of the property or area or may be incompatible with City policies, standards, guidelines and Neighborhood Plans. Site Plan Review approval may also be required for fences, (i.e., such as anodized gray chain link fences along corridor streets) in certain circumstances.

**SEC. 10-1.1645 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

This Section establishes design and performance standards that shall apply to the construction of industrial and commercial buildings and uses in the I District.

a. **Commercial Buildings and Uses.**

For commercial buildings and uses, including drive-in establishments and service stations, refer to the Minimum Design and Performance Standards contained in the CG District.

b. **Industrial Buildings and Uses.**

For industrial buildings and uses refer to the following specific criteria and standards.

c. **Accessory Buildings, Detached.**

Detached accessory buildings shall meet the following criteria:

- (1) Shall not exceed one story.
- (2) Shall not be located in a required front yard or side street yard.
- (3) Shall be setback a minimum of 20 feet from a side or rear property line where abutting an A, OS, R, MH, C, or residential. PD zoning district.
- (4) Shall not be located in front of a primary building, unless no other practical alternative exists.
- (5) Shall be setback a minimum of 10 feet from a primary building and any other accessory building. Greater setbacks may be necessary where required by the Uniform Building Code as adopted by the City.

d. **Accessory Structures, Decorative.**

Detached decorative accessory structures, including but not limited to arbors, rain and shade covers (made of canvas or other fabric), trellises, etc., shall meet the following criteria:

- (1) Shall not exceed one story.
- (2) Shall use exterior materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
- (3) Shall not be located in a required front yard or side street yard.

e. **Additions and Accessory Structures Attached to Primary Building.**

Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building.

f. **Adult Entertainment Activity.**

Refer to Section 10-1.2735 .a. for Adult Entertainment Activity Regulations.

g. **Alcoholic Beverage Outlets.**

Refer to Section 10-1.2735 .b. for Alcoholic Beverage Outlet Regulations.

h. **Antennas and Satellite Dishes and Telecommunications Devices.**

Refer to Article 13, of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.

i. **Architectural Design Principles.**

Refer to the City of Hayward Design Guidelines and Neighborhood Plans where applicable. Where abutting residential zoning districts, all structures shall be designed to:

- (1) Be appropriate for the proposed use(s);
- (2) Incorporate design elements that are harmonious and in proportion to one another;
- (3) Be compatible with the design of adjacent uses; and
- (4) Incorporate an appropriate use or mixture of color, texture, patterns, shadows, offsets and decorative siding, roofing, window and accent materials such as wood, tinted glass, plaster, tile or masonry.

j. **Architectural Projections into Yards.**

Architectural features such as bay windows, cornices and eaves may extend 2 feet into any required yard.

k. **Decks and Ramps.**

- (1) Decks and ramps 12 inches or less in height may be located in any yard.
- (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.
- (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
- (4) Landscape screening shall be provided along the sides of the ramp.

l. **Fences, Hedges, Walls.**

- (1) Fences, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street
- (2) Fences and walls above 6 feet in height shall require approval by Planning Director and a Building Permit.
- (3) A masonry wall not less than 6 feet in height shall be required where an industrial district abuts any A, C, FP, MH, OS, R, or residential PD District (except adjacent to a required front or side street yard or abutting a street right-of-way). The masonry wall shall be constructed and maintained along the interior lot lines of such district abutted.
- (4) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence. For fences and walls required to be at least 6 feet high or greater, the height shall be no higher than the height required on both sides of the fence or wall. .
- (5) Barb or razor wire or similar security fencing shall not be located less than 6 feet above ground along a common property line of a residential property. Such fencing shall not exceed three feet in height and where used shall be angled toward the industrial use.
- (6) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.

m. **Grading.**

All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, and Design Guidelines.

n. **Landscaping.**(1) **Landscape Areas.**

- (a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
- (b) Parking is prohibited within required front and side street yards. Where no front or side street yards are required:
  - (i) A landscape strip at least 10 feet wide, **unless** a wider strip is otherwise required by the approving authority, shall be installed between parking areas and all existing or future street rights-of-way; and
  - (ii) The area between all buildings and existing or future street rights-of-way shall be landscaped unless waived by the approving authority.
- (c) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, ground cover, or a combination thereof. The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
- (d) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the finished pavement.

(2) **Buffer Trees/Landscaping.**

- (a) A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line where a required side or rear yard abuts an A, C, MH, OS, R or residential PD District.
- (b) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.

(3) **Parking Lot Trees/Planters.**

- (a) Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls, except where restricted because of design constraints.
- (b) Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- (c) The minimum dimension of any tree well or landscape median shall be 5 feet, measured from back of curb.
- (d) The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.
- (e) Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous 30-inch-high screen within 2 years.

(4) **Street Trees.**

Street trees shall be planted along all street frontages at a minimum of one **24-inch** box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.

(5) **Landscaping Near BART.**

- (a) Parcels abutting, or within 500 feet and in direct view from the BART right-of-way shall include a minimum 10-foot wide landscape strip along the property line(s) abutting or in view from the BART right-of-way.
- (b) A **minimum** of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property line. The approving authority may waive the requirement if it would not accomplish the intent of City policies as they relate to landscaping due to existing structures or other

obstructions to viewing landscaping.

(6) **Irrigation.**

Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.

(7) **Tree Preservation.**

(a) Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the construction period

(b) A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured two feet above the ground.

(8) **Maintenance.**

(a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.

(b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

**o. Lighting, Exterior.**

Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights of way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.

**p. Parking, Driveways and Paving.**

Parking, driveways and paving for industrial and commercial uses shall be provided in accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

(1) **Parking Spaces Required.**

(a) The number of parking stalls required shall be:

(i) 1 .0 space for each 500 square feet of gross floor area, or

(ii) If a building or structure has leasable bays of 2,500 square feet or greater, the minimum off-street parking required is 1 .0 space for each 1,000 square feet of gross floor area, or

(iii) If a building or structure has leasable bays of 10,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,500 square feet of gross floor area, or

(iv) If a building or structure has leasable bays of 20,000 square feet or greater, the off-street parking required is 1 .0 space for each 2,000 square feet of gross floor area.

(b) Additional parking spaces for those areas for offices or other uses shall be required pursuant to Section 10-2.204, Mixed Uses. The amount of additional parking spaces required shall be pursuant to the appropriate "use" table. If an industrial use has an office area greater than 10 percent of the gross floor area of the industrial use, then the office area shall provide 1.0 parking space for each 250 square feet of gross office floor area.

(c) For hotel, motel and restaurant development within the Industrial District, at least 15 percent of the required parking shall accommodate tractor/trailer combinations.

(2) **Parking Space Dimensions.**

(a) Standard car parking spaces shall be a minimum of 9 feet wide by 19 feet long.

(b) Compact car parking spaces shall be a minimum of 9 feet wide by 15 feet long.

(c) Covered or uncovered parking spaces located adjacent to walls or support columns shall be

increased in width by at least one foot on the effected side(s), to accommodate door swing.

(d) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet.

Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.

(3) Parking Space Locations.

Parking spaces shall not be located within any required front, side, side street, or rear yard setback areas.

(4) Driveways and Paving.

(a) The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.

(b) In no case should a driveway exceed one-third of the width of the property frontage width or 35 feet, unless otherwise approved by the Planning Director.

(c) Parking and driveway surfaces shall be paved with an all-weather dustless material(s), such as concrete or asphaltic surface, as approved by the Planning Director.

(5) Driveway Aisle Dimensions.

The minimum parking lot driveway aisle width shall be 26 feet for a two-way standard car aisle and 20 feet for a compact aisle.

(6) Driveway Turnaround Requirement.

All industrial and commercial property shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction.

(7) Driveway Security Gates.

Refer to Section 10-2.626 of the Off-Street Parking Regulations.

(8) Emergency Vehicle Turn-Around Requirement.

Where the farthest point of a structure(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)

(9) Private Street Criteria.

Refer to the Standard Details and Section 10-1.2735.i. for design criteria and standards.

q. Outdoor Storage.

All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site. Storage shall not be placed within required yard or parking areas, and the storage shall be compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).

r. Retaining Walls.

Retaining walls which are not a part of walls of buildings shall be reviewed and approved by Planning Director

s. Roof-Mounted Equipment.

Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view as required by the Planning Director or other approval authority.

t. Signs.

Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, shall not be hazardous to vehicular traffic, and shall be of a quality conducive to the development of commerce. (Refer to the City of Hayward Sign Ordinance for specific regulations)

**u. Surfacing.**

All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.

**v. Trash and Recycling Facilities.**

- (1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof (unless waived by the Planning Director or other approving authority) compatible with the design of the primary building on the site.
- (2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.
- (3) Shall have a covered roofed.

**w. Truck Loading Facilities.**

- (1) Truck loading spaces and the access and maneuvering areas serving loading spaces shall be located on the same parcel as the activity served and must be exclusive of the area used for required parking spaces. Truck turning templates should be used for design.
- (2) Truck loading/unloading shall not take place on public streets and shall not interfere with on-street traffic, parking or sidewalks
- (3) Loading areas should not dominate the street frontage, and should not directly face a major street unless no practical alternative exists.
- (4) Where loading docks or doors are located directly off abutting street(s), the following policy shall be used for truck maneuvering:
  - (a) If the abutting street is a major-street where the curb-to-curb width is 72 feet or more, the loading facility/dock/door, etc., shall be located so that a truck cannot use the street as a means to maneuver in a backwards motion towards the unloading point. This will require an unobstructed on-site minimum depth of 95 - 115 feet in front of the loading area. Driveways shall not be placed to line up with the loading docks.
  - (b) On industrial service roads (streets 40-48 feet curb-to-curb), truck maneuvering can take place within the street area, and the driveway may be lined up with the loading dock. When a truck is parked at the loading point, it shall not project into the public right-of-way. A minimum of 65 feet shall be unobstructed and provided in front of the loading area.

**x. Yard Exceptions.**

Spur tracks, open bays for truck loading, and off-street parking spaces may be placed within rear or side yards, except when abutting any A, MH, O, R or residential PD District.

**y. Food Vendor Permit.****(1) Permit Required.**

- (a) No vending of food or food products shall be permitted unless a food vendor's permit has first been obtained.
- (b) A separate food vendor's permit shall be obtained for each approved location.

**(2) Definitions.**

This section shall apply to any mobile unit (as defined below) designed or used for the vending of food or food products from a **fixed** or stationary location. This Section shall not apply to catering truck operation or similar uses as **defined** in the General Regulations Section.

- (a) Approved Location - A site approved by the Planning Director from which a vendor operating from a mobile unit may sell his or her products.

- (b) Mobile Unit - Any , trailer, cart, wagon, conveyance or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer.
  - (c) Vending - The business of selling or causing to be sold for cash or consideration of any of the following items: food or food products whether hot, cold, freshly prepared, or packaged, such as hot dogs, sandwiches, and burritos, to be consumed for a meal or snack. This definition includes an offer for sale. All items sold shall be capable of being consumed on site without preparation or cooking other than done by the vendor.
  - (d) Vending Equipment - Tools, umbrellas, chairs, tables, food or food products, etc., related to vending and approved by the Planning Director.
  - (e) Vendor - A person who is in the business of vending or his or her employee(s).
- (3) Application.
- (a) An application for food vendor's permit to vend food products shall be submitted to the Planning Director on a form provided for such purpose, accompanied by payment of the fee set by Resolution of the City Council.
  - (b) The application shall include the signature of the owner of the property upon which the applicant proposes to locate his or her mobile unit indicating the property owner's permission to use the site for the purpose set forth in the application.
  - (c) In addition to the completed application, the following information shall be submitted on a form acceptable to the Planning Director:
    - (i) Proposed location of a mobile unit plotted on a map drawn to a scale of 1 inch equals 20 feet or larger, which indicates the **distance** to adjacent landscaping, parking stalls, buildings driveways, signs, fences, utility poles, transformers, hydrants, etc., located within 50 feet of the location of the proposed mobile unit.
    - (ii) Plans for provisions to collect and store litter and dispose of it.
    - (iii) Scaled drawing indicating the size of the mobile unit and vending equipment the applicant proposes to use. (See paragraph (a) for scale.)
    - (iv) Location where vendor intends to park personal motor vehicle, location of customer parking spaces, and location where vendor intends to store overnight mobile unit and vending equipment.
    - (v) Description of the nature of the business and the goods to be sold.
    - (vi) Any other information deemed necessary by the Planning Director to adequately review the application, for example, photograph or rendering of mobile unit.
- (4) Standards.
- All applications for food vendor's permit shall comply with the following standards:
- (a) Only one mobile unit shall be located at each approved location.
  - (b) A food vendor's permit shall only be issued for sites that are located in industrially zoned districts. Permits for vendors in commercially zoned districts, who are operating at the date of adoption of this regulation, may be renewed pursuant to the provisions of this section.
  - (c) Approved locations for food vending shall not be located within 300 yards of any school, nor within 300 yards from another mobile unit located on the same public or private street or driveway.
  - (d) A mobile unit shall not exceed the following dimensions: Six feet high, six feet wide, eight feet long (ventilating duct may be 10 feet high). In addition, the Planning Director at his/her discretion may approve use of a separate detached canopy or umbrella and a (3 ft. x 3 ft. x 3 ft.) table or box and two chairs for vendor's use which do not create a safety hazard or are not aesthetically detrimental or incompatible with surrounding uses.
  - (e) All mobile units shall be set back from the public street right-of-way or a private street or driveway. A food vendor shall not locate a mobile unit or vending equipment or

- merchandise offered for sale in such way as to block or impede or any way hamper pedestrian or vehicular movement or to cause a hazard to any pedestrian or vehicle.
- (f) Mobile units and vending equipment shall be self-supporting and shall not be attached temporarily or permanently to trees, hydrants, utility poles or transformers, or other vertical structures or benches.
  - (g) All mobile units with ventilating equipment shall be located 10 feet away from all buildings unless otherwise approved by the Planning Director.
  - (h) A food vendor shall not sell any food or food products between the hours of 7:00 p.m. and 7:00 a.m. if the approved location is zoned for commercial purposes unless otherwise authorized by the Planning Director.
  - (i) No food vendor shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound where said sound exceeds the background noise levels for adjacent uses.
  - (j) A food vendor shall not store overnight any vending equipment or food products other than in a commissary approved by the Alameda County Department of Environmental Health Services.
  - (k) A food vendor shall not display any signs or similar devices unless approved by the Planning Director. Signs painted on a mobile unit shall be approved by the Planning Director, and any other sign or device(s), for example, flag, pennant, balloon, may be approved at the discretion of the Planning Director if he finds that such sign or device does not create a safety hazard or is not aesthetically detrimental or incompatible with surrounding uses.
  - (l) Any exterior lighting shall be approved by the Planning Director and shall not create a safety hazard and shall be shielded or deflected away from adjacent properties.
  - (m) A food vendor shall maintain his or her approved location in a clean and hazard-free condition. The vendor shall provide at least one 30-gallon garbage container with a swing top nearby the mobile unit for public use and shall pick up all litter generated from his or her operation within a radius of 100 feet of the approved location. A vendor shall empty the garbage container(s) daily, or more often if necessary; disposal of garbage or trash into public trash containers is prohibited.
  - (n) The food vendor at all times shall be in compliance with all regulations of the Health Officer of Alameda County regarding operation of this use.
  - (o) Location of a mobile unit and vending equipment shall not reduce the number of parking spaces below which are required for the permitted primary or conditional use.
- (5) Permit Issuance.
- (a) A food vendor's permit shall be issued if the applicant satisfies the above standards and the Planning Director finds, based upon the written responses to Community Planning and Economic Development referrals that are made by the Chief of Police, Health Officer of Alameda County, Redevelopment Administrator, Public Works Director, the Finance Director, or their designees, that said application complies with all pertinent regulations administered by these officials.
  - (b) A food vendor's permit is not transferable and shall be valid for one year from the date of issuance. The Planning Director shall renew said permit for additional periods of one year upon payment of 50 percent of the fee for a new permit if the Planning Director determines that the applicant is then in compliance with all conditions of his or her permit. Applications **for renewal must be submitted 30 days prior to expiration of the current permit to qualify for renewal under the provisions of this Section.**

(6) Permit Revocation.

- (a) A food vendor's permit shall be subject to revocation if the conditions of the permit or the regulations set forth or incorporated herein are violated.
- (b) Before taking any action to revoke a permit, the Planning Director shall give notice to the permittee in writing of the proposed revocation, the reasons therefor, and the time and place the permittee will be given an opportunity to show cause to the Planning Director why the permit should not be revoked. The written notice may be served personally upon the permittee or mailed to the permittee at the address shown on the application at least 10 days prior to the date of the hearing. Upon conclusion of the hearing, the Planning Director may revoke the permit upon finding non-compliance with the conditions of the permit or the regulations herein.
- (c) The Planning Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the Planning Director's decision was incorrect. The Planning Commission shall schedule a hearing within 30 days of said appeal, and its decision shall be final. Said appeals shall be filed in the Development Review Services Division.

## **SEC. 10-1.1700 BUSINESS PARK DISTRICT (BP)**

Sections:

- Section 10-1. 1705 **Purpose.**
- Section 10-1. 1710 Subdistricts.
- Section 10-1. 1715 Uses Permitted.
- Section 10-1. 1720 Conditionally Permitted Uses.
- Section 10-1. 1725 Lot Requirements,
- Section 10-1. 1730 Yard Requirements.
- Section 10-1. 1735 Height Limit.
- Section 10-1. 1740 Site Plan Review Required.
- Section 10-1. 1745 Minimum Design and Performance Standards.

### **SEC. 10-1.1705. PURPOSE.**

The BP District is intended to provide for establishment of high quality business office parks in a campus environment at key locations within the Industrial Corridor.

### **SEC. 10-1.1710 SUBDISTRICTS.**

None.

### **SEC. 10-1.1715 USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the BP District as primary uses.
  - (1) Administrative and Professional Offices/Services.
    - (a) Administrative, executive and business offices.
    - (b) Business service offices, including employment agencies, accountants, notaries, stenographic, addressing, computing and related services.
    - (c) Business consultant offices.
    - (d) Design professions offices (engineering, architectural, drafting, etc.).
    - (e) Research, development, analytical and scientific offices.
    - (f) Manufacturers' representatives and sales offices.
    - (g) Headquarters or region-wide finance, insurance and real estate offices.
    - (h) Medical and dental clinics that provide services to workers in the light manufacturing areas, and nearby residents.
    - (i) Travel agencies.
    - (j) Publishing.
  - (2) Other Uses.
    - (a) Public agency facilities.
    - (b) Restaurants.
- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the BP District:  
None.

**SEC. 10-1.1720 CONDITIONALLY PERMITTED USES.**

The following uses are permitted in the BP District subject to approval of an conditional use permit:  
None.

**SEC. 10-1.1725 LOT REQUIREMENTS.**

- |  |                        |
|--|------------------------|
| a. Minimum Lot Size:                           | 1.5 acres.             |
| b. Minimum Lot Frontage:                       | 250 feet.              |
| c. Minimum Average Lot Width:                  | 250 feet.              |
| d. Maximum Lot Coverage :                      | 35 percent.            |
| e. Minimum Lot Depth:                          | 300 feet.              |
| f. Maximum Floor Area Ratio:                   | 60 percent.            |
| g. Special Lot Requirements<br>and Exceptions: | See Section 10-1.2720. |

**SEC. 10-1.1730 YARD REQUIREMENTS.**

- |   |                        |
|---|------------------------|
| a. Minimum Front Yard:                          | 50 feet.               |
| b. Minimum Side Street Yard:                    | 50 feet.               |
| c. Minimum Side Yard:                           | 25 feet.               |
| d. Minimum Rear Yard:                           | 25 feet.               |
| e. Special Yard Requirements<br>and Exceptions: | See Section 10-1.2725. |

**SEC. 10-1.1735 HEIGHT LIMIT.**

- |   |                             |
|---|-----------------------------|
| a. Maximum Height Permitted:                      | None.                       |
| b. Maximum Accessory Building Height:             | N/A.                        |
| c. Maximum Height for Fences/hedges/walls:        |                             |
| (1) Front and Side Street Yard:                   | No fences or walls allowed. |
| (2) Side and Rear Yard:                           | 6 feet.                     |
| d. Special Height Requirements<br>and Exceptions: | See Section 10-1.2730.      |

**SEC. 10-1.1740 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building, grading, or construction permit within this district only if the Planning Director determines that a project material alters the appearance and character of the property or area or may be incompatible with City policies, standards, guidelines.

**SEC. 10-1.1745 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

This Section establishes design and performance standards that shall apply to the construction of office and commercial buildings and uses in the BP District.

**a. Parking.**

On-site parking shall be provided at 1 space per 200 square feet; compact spaces shall comprise no more than 30 percent of the total spaces.

b. **South of Route 92 Area.**

The development of CR zoned properties in the South of Route 92 planning area are also subject to the provisions of the South of Route 92/Oliver & Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber properties.

c. **Specific Plan Requirements.**

Refer to applicable specific plans for other special design and performance standards.



## **SEC. 10-1.1800 LIGHT MANUFACTURING, PLANNING/RESEARCH AND DEVELOPMENT DISTRICT (LM)**

### Sections:

- Section 10-l. 1805 Purpose.
- Section 10-1.1810 Subdistricts.
- Section 10-l.1815 Uses Permitted.
- Section 10-l. 1820 Conditionally Permitted Uses.
- Section 10-l. 1825 Lot Requirements.
- Section 10-l. 1830 Yard Requirements.
- Section 10-l. 1835 Height Limit.
- Section 10-l. 1840 Site Plan Review Required.
- Section 10-l.1845 Minimum Design and Performance Standards.

### **SEC. 10-1.1805 PURPOSE.**

The LM District is intended to provide for limited manufacturing and other light industrial uses within the Industrial Corridor which are compatible with business parks and adjacent residential areas.

### **SEC. 10-1.1810 SUBDISTRICTS.**

None.

### **SEC. 10-1.1815 USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the LM District as primary uses.
  - (1) **Light Manufacturing Uses.**
    - (a) Manufacturing and assembly of clothing.
    - (b) Manufacturing and assembly of televisions and radios, including parts and components.
    - (c) Assembly of electrical appliances such as lighting fixtures, irons, fans, toasters and electric toys, but not including refrigerators, washing machines, dryers, dishwashers and similar home appliances.
    - (d) Assembly of electric appliances such as radio and television receivers, phonographs and home motion picture equipment, but not including electrical machinery.
    - (e) General office uses (including **computer** centers) where an office user shall have less than 2,000 square feet of usable space.
    - (f) Publishing.
    - (g) Light manufacturing support and service facilities to include activities limited to the servicing of products produced on the Parcel or servicing of businesses on the Parcel, such as: repair and maintenance of appliances or component parts, tooling; printers, testing shops, small machine shops, copying, and photo engraving.
    - (h) Sales at wholesale manufacturers' representatives and sales office, or sales to the ultimate consumer of products made to the customer's orders.
    - (i) Engineering, drafting and design facilities.
    - (j) Manufacturing and assembly of business machines, including electronic data processing equipment, accounting machines, calculators and related equipment.

- (k) Manufacturing and assembly of electrical supplies, such as coils, condensers, crystal holders, insulation, lamps, switches and wire cable assembly, provided no noxious or offensive fumes or odors are produced.
- (1) Manufacturing of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments and cameras and photographic equipment except film.
- (2) Other Uses.  
Public agency facilities.

- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the LM District:  
None.

### **SEC. 10-1.1820 CONDITIONALLY PERMITTED USES.**

- a. **Administrative Uses.** The following uses are permitted in the LM District subject to approval of an administrative use permit:

- (1) Light Manufacturing Uses.
  - (a) Laboratories, including commercial, testing, research, experimental or other laboratories, including pilot plants.
  - (b) Printing, lithography and engraving.
  - (c) Manufacturing or combining processes of pharmaceutical products, provided no noxious, or offensive fumes or odors are produced.
  - (d) Research and development facilities and such facilities which require area available for laboratories to execute product development. Any research and development use may be operated in conjunction with any allowed light manufacturing use or office use. All typical uses associated with research and development and light manufacturing for the electronics and semiconductor industries.
  - (e) Uses typically associated with research and development and light manufacturing for the electronics and semiconductor industries.
  - (f) Manufacturing or combining processes of pharmaceutical products, provided no noxious or offensive fumes or odors are produced.
  - (g) Manufacturing or combining processes of biological products, provided no noxious or offensive fumes or odors are produced.
  - (h) Manufacturing and assembly of computer hardware and software, communications, testing equipment, and electronics equipment.

- (2) Other Uses.  
None.

- b. **Conditional Uses.** The following uses are permitted in the LM District subject to approval of a conditional use permit:  
None.

### **SEC. 10-1.1825 LOT REQUIREMENTS.**

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.

- d. Maximum Lot Coverage: 40 percent.
- e. **Minimum** Lot Depth: 250 feet.
- f. Special Lot Requirements and Exceptions: See Section 10-1 .2720.

#### **SEC. 10-1.1830 YARD REQUIREMENTS.**

- a. Minimum Front Yard: 50 feet
- b. Minimum Side Street Yard: 25 feet.
- c. **Minimum** Side Yard: 25 feet.
- d. Minimum Rear Yard: 25 feet.
- e. Special Yard Requirements and Exceptions: See Section 10-1.2725.

#### **SEC. 10-1.1835 HEIGHT LIMIT.**

- a. Maximum Height Permitted: None.
- b. Maximum Accessory Building Height: None.
- c. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard: 4 feet.
  - (2) Side and Rear Yard: No Limit.
- d. Special Height Requirements and Exceptions: See Section 10-1 .2730.

#### **SEC. 10-1.1840 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building, grading, or construction permit within this district only if the Planning Director determines that a project material alters the appearance and character of the property or area or may be incompatible with City policies, standards, guidelines and Neighborhood Plans. Site Plan Review approval may also be required for **fences**, (i.e., such as anodized gray chain link fences along corridor streets) in certain circumstances.

#### **SEC. 10-1.1845 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

This Section establishes design and performance standards that shall apply to the construction of industrial and commercial buildings and uses in the LM District.

- a. **Parking.**  
On-site parking shall be provided at 1 space per 200 square feet; compact spaces shall comprise no more than 30 percent of the total spaces.
- b. **South of Route 92 Area.**  
The development of CR zoned properties in the South of Route 92 planning area are also subject to the provisions of the South of Route 92/Oliver & Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber properties.
- c. **Specific Plan Requirements.**  
Refer to applicable specific plans for other special design and performance standards.



## **SEC. 104.1900 AIR TERMINAL DISTRICT (AT)**

### Sections:

Section 10-1 .1905 Purpose.

Section 10-1. 1910 Subdistricts.

Section 10-1. 1920 Air Terminal - Operations Subdistrict (AT-O).

Section 10-1. 1921 AT-O Purpose.

Section 10-1. 1922 AT-O Uses Permitted.

Section 10- 1.1923 AT-IP Conditionally Permitted Uses.

Section 10- 1.1924 AT-IP Lot Requirements.

Section 10- 1.1925 AT-IP Yard Requirements.

Section 10-1. 1926 AT-IP Height Limit.

Section 10-1.1930 Air Terminal - Industrial Park Subdistrict (AT-IP).

Section 10- 1.193 1 AT-IP Purpose.

Section 10-1. 1932 AT-IP Uses Permitted.

Section 10-1. 1933 AT-IP Conditionally Permitted Uses.

Section 10- 1.1934 AT-IP Lot Requirements.

Section 10-1. 1935 AT-IP Yard Requirements.

Section 10-1. 1936 AT-IP Height Limit.

Section 10-1. 1940 Air Terminal - Aviation Commercial Subdistrict (AT-AC).

Section 10-1. 1941 AT-AC Purpose.

Section 10-1. 1942 AT-AC Uses Permitted.

Section 10-1. 1943 AT-AC Conditionally Permitted Uses.

Section 10-1. 1944 AT-AC Lot Requirements.

Section 10-1. 1945 AT-AC Yard Requirements.

Section 10-1. 1946 AT-AC Height Limit.

Section 10-1.1950 Air Terminal - Commercial Subdistrict (AT-C).

Section 10-1. 1951 AT-C Purpose.

Section 10-1. 1952 AT-C Uses Permitted.

Section 10-1. 1953 AT-C Conditionally Permitted Uses.

Section 10-1. 1954 AT-C Lot Requirements.

Section 10-1. 1955 AT-C Yard Requirements.

Section 10-1.1956 AT-C Height Limit.

Section 10-1. 1960 Air Terminal - Recreational Subdistrict (AT-R).

Section 10-1. 1961 AT-R Purpose.

Section 10-1. 1962 AT-R Uses Permitted.

Section 10-1. 1963 AT-R Conditionally Permitted Uses.

Section 10- 1.1964 AT-R Lot Requirements.

Section 10-1. 1965 AT-R Yard Requirements.

Section 10-1. 1966 AT-R Height Limit.

Section 10-1. 1970 Air Terminal - Medium Density Residential Subdistrict (AT-RM).

Section 10-1. 1971 AT-RM Purpose.

Section 10-1. 1972 AT-RM Uses Permitted.

Section 10- 1.1973 AT-RM Conditionally Permitted Uses.

Section 10-1.1974 AT-RM Lot Requirements.

Section 10-1. 1975 AT-RM Yard Requirements.

Section 10-1. 1976 AT-RM Height Limit.

Section 10-1. 1980 Site Plan Review Required for Air Terminal District.

Section 10-1. 1985 Minimum Design and Performance Standards for Air Terminal District.

**SEC. 10-1.1905 PURPOSE.**

The purpose of the Air Terminal (AT) District is to provide the City with a unique special area occupied primarily by commercial, industrial, and public uses that are aviation-oriented. Additional high performance industrial and commercial facilities are to be encouraged provided they are not of a nature that might be hazardous to the Airport's operation.

**SEC. 10-1.1910 SUBDISTRICTS.**

To encourage a functional and compatible association of uses in identifiable areas, this District is divided into the following subdistricts:

- a. Air Terminal - Operations (AT-O).
- b. Air Terminal - Industrial Park (AT-IP).
- c. Air Terminal - Aviation Commercial (AT-AC).
- d. Air Terminal - Commercial (AT-C).
- e. Air Terminal - Recreational (AT-R).
- f. Air Terminal - Medium Density Residential (AT-RM).

**SEC. 10-1.1920 AIR TERMINAL-OPERATIONS SUBDISTRICT (AT-O)****SEC. 10-1.1921 AT-O PURPOSE.**

The purpose of the AT-O Subdistrict is to provide facilities for aviation operations. These shall include, but not be limited to, runways, taxi-ways, ramps, and required clearances.

**SEC. 10-1.1922 AT-O USES PERMITTED.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-O Subdistrict, as primary uses.
  - (1) Aviation operations and facilities.
  - (2) Military facilities.
  - (3) Aircraft tie-downs.
- b. Secondary Uses. The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-O District:
  - (1) Accessory buildings and uses. (See Sec. 10-1. 1985)
  - (2) Minor open storage. (See Sec. 10-1. 1985)

**SEC. 10-1.1923 AT-O CONDITIONALLY PERMITTED USES.**

None.

**SEC. 10-1.1924 AT-O LOT REQUIREMENTS.**

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: No limit.
- e. Minimum Lot Depth: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1 .2720.

**SEC. 10-1.1925 AT-O YARD REQUIREMENTS.**

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Street Yard: 10 feet.
- c. Minimum Side Yard: None.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
  - (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
  - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1 .2725.

**SEC. 10-1.1926 AT-O HEIGHT LIMIT.**

- a. Maximum Height Permitted: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard: 4 feet.
  - (2) Side and Rear Yard: No Limit.  
(Also see Section 10-1.1985 for additional standards)
- c. Special Height Requirements and Exceptions: See Section 10-1.2730.

## **SEC. 10-1.1930 AIR TERMINAL-INDUSTRIAL PARK SUBDISTRICT (AT-IL)**

### **SEC. 10-1.1931 AT-IP PURPOSE.**

The purpose of the AT-IP Subdistrict is to provide for and encourage the development of industrial uses in areas suitable for same and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties and uses.

### **SEC. 10-1.1932 AT-IP USES PERMITTED.**

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP District, as primary uses.
  - (1) Industrial Uses.
    - (a) Newspaper printing facility.
    - (b) Publishing facility. (Publishing and distribution of books and magazines.)
    - (c) Research and development facility.
    - (d) Research laboratory.
    - (e) Warehouse.
    - (f) Wholesale establishment.
    - (g) Hazardous materials use and storage subject to the following limitations:
      - (i) Production, storage, and/or handling, utilizing Group B hazardous materials less than 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.
      - (ii) Production, storage, and/or handling, utilizing Group C hazardous materials less than 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.)
  - (2) Administrative and Professional Offices/Services.
    - (a) Architectural, drafting and engineering offices.
    - (b) Banks and financial institutions.
    - (c) Interior design studio.
    - (d) Medical/dental laboratory.
    - (e) Offices.
  - (3) Automobile Related Uses.
    - Parking lot. (Requires Site Plan Review.)
  - (4) Personal Services.
    - None.
  - (5) Residential Uses.
    - None.
  - (6) Retail Commercial Uses.
    - Retail sales. (Sale at retail of goods and merchandise distributed on-site, where the cumulative floor area of the retail activity does not exceed 10 percent of the first floor area of the industrial building. Sale is of new commodities only, not used goods. Includes weekend sales of new commodities year-round.)
  - (7) Service Commercial Uses.
    - (a) Reverse vending machines(s). (When located within a convenience zone.)

(b) Copying or reproduction facility.

(c) Mailing or facsimile service.

(8) Other Uses.

(a) Ambulance service.

(b) Broadcasting studio. (Radio and television.)

(a) Christmas tree and pumpkin patch lots. (See section 10-1.2735.d.)

(b) Public agency facilities.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-IP District:

(1) Accessory buildings and uses. (See Sec. 10-1. 1985)

(2) Minor open storage. (See Sec. 10-1. 1985)

**SEC. 10-1.1933 AT-IP CONDITIONALLY PERMITTED USES.**

a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP Subdistrict subject to approval of an administrative use permit:

(1) Industrial Uses.

(a) Truck rental.

(b) Hazardous materials use and storage subject to the following limitations:

(i) Production, storage, and/or handling, utilizing Group B hazardous materials which exceed the following thresholds: 5,000 pounds of solids, 550 gallons of liquids, or 2,000 cubic feet of gases at standard temperatures and pressures.

(ii) Production, storage, and/or handling, utilizing Group C hazardous materials which exceed the following thresholds: 50,000 pounds of solids, 5,500 gallons of liquids, or 20,000 cubic feet of gases at standard temperatures and pressures.)

(2) Administrative and Professional Offices/Services.

None.

(3) Automobile Related Uses.

None.

(4) Personal Services.

None.

(5) Residential Uses.

None.

(6) Retail Commercial Uses.

Restaurant/delicatessen. (No drive-through)

(7) Service Commercial Uses.

None.

(8) **Other Uses.**

Temporary use.

b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-IP Subdistrict subject to approval of a conditional use permit:

(1) Industrial Uses.

(a) Any AT-IP Use(s) located on a parcel(s) which abuts an A, MH, OS, R, or residential PD zoning district.

(b) Hazardous materials use and storage subject to the following limitations: Production, storage, handling, or similar activities utilizing any amount of hazardous materials classified as Group A hazardous materials by the Fire Chief or his or her designee.

(2) Administrative and Professional Offices/Services.

None.

(3) Automobile Related Uses.

None.

(4) Personal Services.

None.

(5) Residential Uses.

None.

(6) Retail Commercial Uses.

Bar, cocktail lounge.

(See Sec. 10-1.2735.b. for regulations of alcohol)

(7) Service Commercial Uses.

None.

(8) Other Uses.

None.

SEC. 10-1.1934 AT-IP LOT REQUIREMENTS.

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 60 percent.
- e. Minimum Lot Depth: None.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

SEC. 10-1.1935 AT-IP YARD REQUIREMENTS.

- a. Minimum Front Yard: 25 feet.
- b. Minimum Side Yard: 30 feet total both sides, five feet minimum one side, none where site abuts railroad spur.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
  - (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
  - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1.2725.

SEC. 10-1.1936 AT-IP HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard: 4 feet.
  - (2) Side and, Rear Yard: No Limit.

(Also see Section 10-1.1985 for additional standards)

- c. Special Height Requirements  
and Exceptions:

See Section 10-1 .2730.

## **SEC. 10-1.1940 AIR TERMINAL-AVIATION COMMERCIAL SUBDISTRICT** **(AT-AC)**

### **SEC. 10-1.1941 AT-AC PURPOSE.**

The purpose of the AT-AC Subdistrict is to provide for commercial and service activities that are clearly related to or supportive of the operational aspects of the Air Terminal.

### **SEC. 10-1.1942 AT-AC USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by Planning Director, are permitted in the AT-AC District, as primary uses.
  - (1) **Aviation Commercial Uses.**
    - (a) Air photography, survey, and map-making services.
    - (b) Air charter service.
    - (c) Aircraft repair.
    - (d) Aircraft storage (inside or outside).
    - (e) Aviation clubs.
    - (f) Aviation schools.
    - (g) Passenger transportation terminal.
    - (h) Retail sales within passenger transportation terminals.
    - (i) Retail sales of aviation equipment, aircraft, fuel and lubricants.
  - (2) **Administrative and Professional Offices/Services.**  
None.
  - (3) **Automobile Related Uses.**  
Parking lot.
  - (4) **Personal Services.**  
None.
  - (5) **Residential Uses.**  
None.
  - (6) **Retail Commercial Uses.**  
None.
  - (7) **Service Commercial Uses.**  
None.
  - (8) **Other Uses.**
- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate to the uses permitted in the AT-AC Subdistrict:
  - (1) Accessory building and use.
  - (2) Minor open storage.

### **SEC. 10-1.1943 AT-AC CONDITIONALLY PERMITTED USES.**

- a. **Administrative Uses.** The following uses or uses determined to be similar by Planning Director, are permitted in the AT-AC Subdistrict subject to approval of an administrative use permit:

- (1) Aviation Commercial Uses.  
None.
- (2) Administrative and Professional Offices/Services.  
None.
- (3) Automobile Related Uses.  
Automobile rental.
- (4) Personal Services.  
None.
- (5) Residential Uses.  
None.
- (6) Retail Commercial Uses.  
Restaurant. (No drive-through.)
- (7) Service Commercial Uses.  
None.
- (8) Other Uses.  
None.

b. **Conditional Uses.** The following uses or uses determined to be similar by Planning Director, are permitted in the AT-AC Subdistrict subject to approval of a conditional use permit:

- (1) Aviation Commercial Uses.  
None.
- (2) Administrative and Professional Offices/Services.  
None.
- (3) Automobile Related Uses.  
None.
- (4) Personal Services.  
None.
- (5) Residential Uses.  
None.
- (6) Retail Commercial Uses.  
Sales, rental, and service of non-aviation equipment, when compatible with aviation uses, for a period not to exceed one day less than five years in maximum duration. Non-aviation uses are limited to no more than 25 percent of the land area in leaseholds within the AT-AC Subdistrict.
- (7) Service Commercial Uses.  
None.
- (8) Other Uses.  
Major outdoor storage.

#### **SEC. 10-1.1944 AT-AC LOT REQUIREMENTS.**

- a. Minimum Lot Size: 50,000 square feet, except that 200,000 square feet shall be required for lots on which fueling activity occurs.
- b. Minimum Lot Frontage; 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 30 percent, except 5 percent minimum, but never less than 5,000 square feet.

- e. Special Lot Requirements  
and Exceptions:

See Section 10-1.2720.

**SEC. 10-1.1945 AT-AC YARD REQUIREMENTS.**

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 30 feet total both sides, five feet minimum one side, none where site abuts railroad spur.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
  - (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
  - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements  
and Exceptions: See Section 10- 1.2725.

**SEC. 10-1.1946 AT-AC HEIGHT LIMIT.**

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard: 4 feet.
  - (2) Side and Rear Yard: No Limit.  
(Also see Section 10-1.1985 for additional standards)
- c. Special Height Requirements  
and Exceptions: See Section 10-1.2730.

## **SEC. 10-1.1950 AIR TERMINAL-COMMERCIAL, SUBDISTRICT (AT-C)**

### **SEC. 10-1.1950 AT-C PURPOSE.**

The purpose of the AT-C Subdistrict is to provide for certain specified commercial and service uses that are compatible with airport activity, in addition to simultaneously serving the general population of the City.

### **SEC. 10-1.1951 AT-C USES PERMITTED.**

a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C District, as primary uses.

- (1) Administrative and Professional Offices/Services.
  - (a) Accounting and financial offices.
  - (b) Architectural and engineering offices.
  - (c) Banks and financial institutions.
  - (d) Chiropractic and acupuncture offices.
  - (e) Insurance and real estate offices.
  - (f) Law offices.
  - (g) Medical and dental offices.
  - (h) Travel and airline agency offices.
- (2) Automobile Related Uses.

Parking lot. (Requires Site Plan Review.)
- (3) Personal Services.

Health club.
- (4) Residential Uses.

None.
- (5) Retail Commercial Uses.
  - (a) **Bakery**
  - (b) Coffee/espresso shop.
  - (c) Restaurant or delicatessen (No drive-through.)
  - (d) Retail sales within a hotel or motel.
- (6) Service Commercial Uses.
  - (a) Copying or reproduction facility.
  - (b) Hotel or motel.
  - (c) Mailing or facsimile service.
  - (d) Reverse vending machines(s), (When located within a convenience zone.)
- (7) Other Uses.
  - (a) Broadcasting studio. (Radio and television.)
  - (b) Christmas tree or Pumpkin patch lot. (See Section 10-1.2735.d. for standards)
  - (c) Computer center (Involving record storage and retrieval systems, data processing and microfilming)
  - (d) Electronics assembly.
  - (e) Public agency facilities.
  - (f) Research and development facility.
  - (g) Research laboratory.

(h) Wholesale sales.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-C Subdistrict:

- (1) Accessory buildings and uses. (See Sec. 10-1. 1985)
- (2) Minor open storage. (See Sec. 10-1. 1985)

### **SEC. 10-1.1953 AT-C CONDITIONALLY PERMITTED USES.**

a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C Subdistrict subject to approval of an administrative use permit:

(1) Administrative and Professional Offices/Services.  
None.

(2) Automobile Related Uses.  
Automobile Rental.

(3) Personal Services.  
None.

(4) Residential Uses.  
None.

(5) Retail Commercial Uses.  
(a) Retail center.

(With sub-regional marketing base, on a minimum 5 acre parcel which is visible from Hesperian Boulevard.

(b) Retail Sales.

(Of retail goods with a regional or sub-regional marketing base, including but not limited to discount retail or warehouse retail, on a minimum 8 acre parcel which is visible to Hesperian Boulevard.

(6) Service Commercial Uses.  
None.

(7) Other Uses.

(a) Educational facility.

(For persons 18 years of age and older)

(b) Health Club

(For persons 18 years of age and older)

(c) Temporary use.

b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-C Subdistrict subject to approval of a conditional use permit:  
None.

### **SEC. 10-1.1954 AT-C LOT REQUIREMENTS.**

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 70 feet.
- d. Maximum Lot Coverage: 60 percent.
- e. Minimum Lot Depth: 100 feet.
- f. Special Lot Requirements and Exceptions: See Section 10-1 .2720.

**SEC. 10-1.1955 AT-C YARD REQUIREMENTS.**

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: None.
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
  - (1) 20 feet where abutting an A, C, MH, OS, R, or residential PD zoning district.
  - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1 .2725.

**SEC. 10-1.1956 AT-C HEIGHT LIMIT.**

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced.
- b. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard: 4 feet.
  - (2) Side and Rear Yard: No Limit.  
(Also see Section 10-1.1985 for additional standards)
- c. Special Height Requirements and Exceptions: See Section 10-1 .2730.

## **SEC. 10-1.1960 AIR TERMINAL-RECREATIONAL SUBDISTRICT (AT-R)**

### **SEC. 10-1.1961 AT-R PURPOSE.**

The purpose of the AT-R Subdistrict is to provide for outdoor recreational activities that are compatible with airport activity.

### **SEC. 10-1.1962 AT-R USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the AT-R District, as primary uses.

(1) **Recreational Uses.**

(a) Golf course.

(b) Health Club.

(c) Recreational facilities.

(Maintained by a public agency)

(d) Tennis and swim clubs.

(2) **Administrative and Professional Offices/Services.**

None.

(3) **Automobile Related Uses.**

None.

(4) **Personal Services.**

None.

(5) **Residential Uses.**

None.

(6) **Retail Commercial Uses.**

Retail uses.

(Which are within and/or ancillary to a public or private recreational facility, golf course, country club, or a health club)

(7) **Service Commercial Uses.**

None.

(8) **Other Uses.**

(a) Christmas tree or  
pumpkin patch lot.

(See Sec. 10-1.2735.d. for standards)

- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-R Subdistrict:

(1) Accessory building and use. (See Sec. 10-1. 1985)

(2) Minor open storage. (See Sec. 10-1. 1985)

### **SEC. 10-1. 1963 AT-R CONDITIONALLY PERMITTED USES.**

- a. **Administrative Uses.**

None.

- b. **Conditional Uses.**

Any recreational uses located on a parcel which abuts an A, OS, R, MH, or residential PD zoning district.

**SEC. 10-1.1964 AT-R LOT REQUIREMENTS.**

- a. Minimum Lot Size: 10,000 square feet.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 80 feet.
- d. Maximum Coverage Permitted: 60 percent.
- e. Minimum Lot Depth: 100 feet.
- f. Special Lot Requirements and Exceptions: See Section 10-1 .2720.

**SEC. 10-1.1965 AT-R YARD REQUIREMENTS.**

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Street Yard: 10 feet.
- c. Minimum Side Yard: None.
- d. Minimum Rear Yard: None.
- e. Special Side and Rear Yard Provision:
  - (1) 20 feet where abutting an A, OS, R, MH, or residential PD zoning district.
  - (2) Greater setbacks where required by the Uniform Building Code as adopted by the City.
- f. Special Yard Requirements and Exceptions: See Section 10-1 .2725.

**SEC. 10-1.1966 AT-R HEIGHT LIMIT.**

- a. Maximum Building Height: 40 feet, except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code, as now in effect or may hereafter amended or replaced
- b. Maximum Height for Fences/hedges/walls:
  - (1) Front and Side Street Yard: 4 feet.
  - (2) Side and Rear Yard: No Limit.
 (Also see Section 10-1.1985 for additional standards)
- c. Special Height Requirements and Exceptions: See Section 10-1 .2730.

## **SEC. 10-1.1970 AIR TERMINAL-MEDIUM DENSITY RESIDENTIAL SUBDISTRICT (AT-RM)**

### **SEC. 10-1.1971 AT-RM PURPOSE.**

The purpose of the AT-RM Subdistrict is to provide residential land uses that are compatible with airport activity.

### **SEC. 10-1.1972 AT-RM USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by **Planning Director**, are permitted in the AT-RM District, when not specified as an administrative or conditional use.

(1) **Residential Uses.**

- (a) Multiple-family dwelling.
- (b) Single-family dwelling.
- (c) Group home.

See definition #100)

(2) **Other Uses.**

- (a) Day care home.

(State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #69)

- (b) Public agency facilities.

(See definition #174)

- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the AT-RM District:

(1) **Residential Uses.**

None.

(2) **Other Uses.**

- (a) Accessory buildings and uses.
- (b) Garage sales.
- (c) (3) Home Occupation.
- (d) Household pets.

(See Section 10.1.245)

(4 per year per dwelling. See Section 10-1.245)

(See definition #106)

(max. 4 cats and 4 dogs. See Section 10-1.2735.f. and definition #164)

### **SEC. 10-1.1973 AT-RM CONDITIONALLY PERMITTED USES.**

- a. **Administrative Uses.**

None.

- b. **Conditional Uses.**

None.

### **SEC. 10-1.1974 AT-RM LOT REQUIREMENTS.**

- a. Minimum Lot Size: 5,000 square feet.
- b. Minimum Lot Area per Dwelling Unit: 2,500 square feet per multiple-family dwelling unit.
- c. Minimum Lot Frontage: 35 feet.
- d. Minimum Average Lot Width: 50 feet.

- e. Maximum Lot Coverage : 50 percent.
- f. Minimum Lot Depth: 80 feet.
- g. Special Lot Requirements and Exceptions: See Section 10-1.2720.

**SEC. 10-1.1975 AT-RM YARD REQUIREMENTS.**

- a. Minimum Front Yard: 20 feet.
- b. Minimum Side Yard: 5 feet, or 10 percent of the lot width at the building line whichever is greater up to a maximum of 10 feet,
- c. Minimum Side Street Yard: 10 feet.
- d. Minimum Rear Yard: 20 feet.
- e. Special Yard Requirements and Exceptions: See Section 10- 1.2725 .

**SEC. 10-1.1976 AT-RM HEIGHT LIMIT.**

- a. Maximum Building Height: Forty feet (40'), except as provided in Chapter 10, Article 6, Airport Approach Zoning Regulations of the Hayward Municipal Code as now in effect or may hereafter be amended or replaced.
- b. Maximum Accessory Building Height: 14 feet and one story.
- c. Maximum Height for Fences/hedges/walls.
  - (1) Front and Side Street Yard: 4 feet
  - (2) Side and Rear Yard: 6 feet
 (See Section 10-1. 1985 for additional standards).
- d. Special Height Requirements and Exceptions: See Sections 10-1 .2730.

**SEC. 10-1.1980 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required prior to issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences) in certain circumstances.

**SEC. 10-1.1985 MINIMUM DESIGN AND PERFORMANCE.**

This Section establishes design and performance standards that shall apply to the construction of aviation, industrial and commercial buildings and uses in the AT District.

**a. Residential Buildings and Uses.**

For single-family and multi-family residential buildings and uses, refer to the Minimum Design and Performance Standards contained in the RS and RM District.

**b. Commercial Buildings and Uses.**

For commercial buildings and uses, refer to the Minimum Design and Performance Standards contained in the CN District.

**c. Air Terminal and Industrial Buildings and Uses.**

For air terminal and industrial buildings and uses refer to the following specific criteria and standards.

**d. Accessory Buildings, Detached.**

- (1) Detached accessory buildings shall meet the following criteria:
- (2) Shall not exceed one story.
- (3) Shall not be located in a required front yard or side street yard.
- (4) Shall be setback a minimum of 20 feet from a side or rear property line where abutting an A, C, FP, MH, OS, R, or residential PD zoning district.
- (5) Shall not be located in front of a primary building, unless no other practical alternative exists.
- (6) Shall be setback a minimum of 10 feet from a primary building and any other accessory building. Greater setbacks may be necessary where required by the Uniform Building Code as adopted by the City.

**e. Accessory Structures, Decorative.**

- (1) Detached decorative accessory structures, including but not limited to arbors, rain and shade covers (made of canvas or other fabric), trellises, etc., shall meet the following criteria:
- (2) Shall not exceed one story.
- (3) Shall use exterior materials and colors which either match or are compatible with the primary building. Special design consideration should be given to structures visible from a public street.
- (4) Shall not be located in a required front yard or side street yard.

**f. Additions and Accessory Structures Attached to Primary Building**

Additions and accessory structures attached to the primary building shall meet all the development standards required of the primary building.

g. **Adult Entertainment Activity.**

Refer to Section 10-1.2735.a. for Adult Entertainment Activity Regulations.

h. **Aircraft Parking.**

Adequate on-site parking for aircraft shall be provided for tenants, customers, guests, and others as required. Hangar doors shall be set back at least 25 feet from property lines abutting taxiways.

i. **Alcoholic Beverage Outlets.**

Refer to Section 10-1.2735 .b. for Alcoholic Beverage Outlet Regulations.

j. **Antennas and Satellite Dishes and Telecommunications Devices.**

Refer to Article 13, of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.

k. **Architectural Design Principles.**

- (1) Refer to the City of Hayward Design Guidelines and Neighborhood Plans where applicable. Where abutting residential zoning districts, all structures shall be designed to:
- (2) Be appropriate for the proposed use(s);
- (3) Incorporate design elements that are harmonious and in proportion to one another;
- (4) Be compatible with the design of adjacent uses; and
- (5) Incorporate an appropriate use or mixture of color, texture, patterns, shadows, offsets and decorative siding, roofing, window and accent materials such as wood, tinted glass, plaster, tile or masonry.

l. **Architectural Projections into Yards.**

Architectural features such as bay windows, cornices and eaves may extend 2 feet into any required yard.

m. **Aviation Fuel Storage.**

Aviation fuel shall be stored in aircraft tanks, in delivery units approved by the Fire Department, or in aviation fuel storage areas reserved for such use as approved by the Fire Department.

n. **Decks and Ramps.**

- (1) Decks and ramps 12 inches or less in height may be located in any yard.
- (2) Decks and ramps between 12 to 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.
- (3) Decks 30 inches or more in height shall conform to the minimum yard setback requirements of the primary building.
- (4) Landscape screening shall be provided along the sides of the ramp.

o. **Electronic and Radio Interference.**

No operation shall emit electrical, electronic, or radio emissions which will interfere with, obstruct, or adversely affect the operation of air navigation aids and radio communication.

p. **Fences, Hedges, Walls.**

- (1) Fences shall be installed so as to restrict access to airport operational areas or adjacent residential, industrial or commercial districts or uses as required by the Planning Director. Design and construction of fences and walls shall conform to appropriate commercial,

industrial, or residential standards, and the following criteria.

- (2) Fence, hedges and walls shall not exceed a height of 4 feet in a required front yard, side street yard or rear yard abutting a street.
- (3) Fences and walls above 6 feet in height shall require approval by Planning Director and a Building Permit.
- (4) A masonry wall not less than 6 feet in height shall be required where an industrial district abuts any A, C, FP, MH, OS, R, or residential PD District (except adjacent to a required front or side street yard or abutting a street right-of-way). The masonry wall shall be constructed and maintained along the interior lot lines of such district abutted.
- (5) For fences limited to a maximum of 4 feet in height, the height limit shall not be exceeded at grade measured on either side of the fence. For fences and walls required to be at least 6 feet high or greater, the height shall be no higher than the height required on both sides of the fence or wall.
- (6) Barb or razor wire or similar security fencing shall not be located less than 6 feet above ground along a common property line of a residential property. Such fencing shall not exceed three feet in height and where used shall be angled toward the industrial use.
- (7) Where a lot is situated at the intersection of two or more streets, fences, hedges and walls shall not be erected, placed, planted, or allowed to grow in such a manner as to obstruct intersection visibility, as contained in Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.

q. **Fire Insurance Rating.**

No operation shall by its nature increase the fire insurance rating for adjoining or adjacent parcel(s).

r. **Grading.**

All grading activity shall follow the grading and terrain design standards of the City of Hayward Subdivision Ordinance, and Design Guidelines.

s. **Landscaping.**

(1) **Landscape Areas.**

- (a) Required front, side, side street, and rear yard areas shall be landscaped except for permitted driveways, and walkways. All other areas not utilized for structures or paving shall be landscaped unless otherwise authorized by the Planning Director or other approving authority because of site constraints, existing or adjacent site conditions, or phased development.
- (b) Parking is prohibited within required front and side street yards. Where no front or side street yards are required:
  - (i) A landscape strip at least 10 feet wide, unless a wider strip is otherwise required by the approving authority, shall be installed between parking areas and all existing or future street rights-of-way; and
  - (ii) The area between all buildings and existing or future street rights-of-way shall be landscaped unless waived by the approving authority.
- (c) Required landscaped areas shall be planted with water-conserving trees, shrubs, turf grass, **ground cover, or a combination thereof.** The sole use of bark, decorative paving, or decorative rock shall not be allowed in required landscape areas.
- (d) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the finished pavement.

(2) Buffer Trees/Landscaping.

- (a) A minimum of one **15-gallon** buffer tree shall be planted for every 20 to 40 lineal feet of property line where a required side or rear yard abuts an A, C, FP, MH, OS, R, or residential PD District.
- (b) Masonry walls, solid building walls, trash enclosures, and/or fences facing a street or driveway shall be buffered with continuous shrubs or vines.

(3) Parking Lot Trees/Planters.

- (a) Parking areas shall include a minimum of one **15-gallon** parking lot tree for every six parking stalls, except where restricted because of design constraints.
- (b) Parking lot trees shall be planted in tree wells or landscape medians located within the parking area, unless an alternative location is approved by the Planning Director. Required street and buffer trees shall not qualify as parking lot trees.
- (c) The minimum dimension of any tree well or landscape median shall be **5** feet, measured from back of curb.
- (d) The end of parking rows shall be capped with landscape medians, except where space is restricted because of existing site conditions.
- (e) Parking and loading areas shall be buffered from the street with shrubs, walls, or earth berms, as determined by the Planning Director. Where shrubs are used for buffering, the type and spacing of shrubs shall create a continuous **30-inch-high** screen within 2 years.

(4) Street Trees.

Street trees shall be planted along all street frontages at a minimum of one 24-inch box tree per 20 to 40 lineal feet of frontage or fraction thereof, except where space is restricted due to existing structures or site conditions.

(5) Irrigation.

Within all required landscaped areas, an automatic water efficient irrigation system shall be installed upon initial construction of any building or substantial alteration to any building or site.

(6) Tree Preservation.

- (a) Trees shall be preserved in accordance with the Tree Preservation Ordinance with measures included for tree protection during the **construction period**.
- (b) A tree removal permit is required prior to removing any tree 30 inches or larger in trunk circumference (or approximately 10 inches or larger in trunk diameter), measured two feet above the ground.

(7) Maintenance.

- (a) After initial installation, all plantings shall be maintained in a reasonably weed-free and litter-free condition, including replacement where necessary as determined by the Planning Director.
- (b) Required street, parking lot, and buffer trees shall not be severely pruned, topped, or pollarded (cut back to the trunk).

t. Lighting, Exterior.

Exterior lighting and parking lot lighting shall be provided in accordance with the Security Standards Ordinance (No. 90-26 C.S.) and be designed by a qualified lighting designer and erected and maintained so that light is **confined** to the property and will not cast direct light or glare upon adjacent properties or public rights of way. Such lighting shall also be designed such that it is decorative and in keeping with the design of the development.

u. Parking, Driveways and Paving.

Parking, driveways and paving for air terminal, industrial and commercial uses shall be provided in

accordance with the City of Hayward Off-Street Parking Regulations, Standard Details, and the following criteria:

(1) Parking Spaces Required.

- (a) The number of parking stalls required shall be:
  - (i) space for each 500 square feet of gross floor area, or
  - (ii) If a building or structure has leasable bays of 2,500 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,000 square feet of gross floor area, or
  - (iii) If a building or structure has leasable bays of 10,000 square feet or greater, the minimum off-street parking required is 1.0 space for each 1,500 square feet of gross floor area, or
  - (iv) If a building or structure has leasable bays of 20,000 square feet or greater, the off-street parking required is 1.0 space for each 2,000 square feet of gross floor area.
- (b) If an industrial use has an office area greater than 10 percent of the gross floor area of the industrial use, then the office area shall provide 1.0 parking space for each 250 square feet of gross office floor area.
- (c) Parking spaces for other uses, such as offices, retail, etc., shall be required per the Off-Street Parking Regulations.

(2) Parking Space Dimensions.

- (a) Standard car parking spaces shall be a minimum of 9 feet wide by 19 feet long.
- (b) Compact car parking spaces shall be a minimum of 9 feet wide by 15 feet long.
- (c) Covered or uncovered parking spaces located adjacent to walls or support columns shall be increased in width by at least one foot on the effected side(s), to accommodate door swing.
- (d) Covered parking spaces shall provide a minimum unobstructed vertical clearance of 7 feet. Parking space areas shall be unobstructed by stairs, cabinets, utilities, etc.

(3) Parking Space Locations.

Parking spaces shall not be located within any required front, side, side street, or rear yard setback.

(4) Driveways and Paving.

- (a) The minimum driveway width shall be 20 feet for a two-way driveway and 12 feet for a one-way driveway.
- (b) In no case should a driveway exceed one-third of the width of the property frontage width or 35 feet.
- (c) Parking and driveway surfaces shall be paved with asphaltic surface or comparable all-weather dustless material(s), such as bricks or pavers, as approved by the Planning Director.

(5) Driveway Aisle Dimensions.

The minimum parking lot driveway aisle width shall be 26 feet for a two-way standard car aisle and 20 feet for a compact aisle.

(6) Driveway Turnaround Requirement.

All airport terminal property shall provide a sufficient paved driveway turnaround to allow vehicles to exit property in a forward direction.

(7) Driveway Security Gates.

Refer to Section 10-2.626 of the Off-Street Parking Regulations.

(8) Emergency Vehicle Turn-Around Requirement.

Where the farthest point of a structure(s) is located 150 feet or more from the point of street access, a turn-around area shall be provided which will accommodate the turning around of fire protection vehicles, unless otherwise approved by the Fire Prevention Bureau. (For further details or alternative design considerations contact the Fire Prevention Bureau.)

(9) Private Street Criteria.

Refer to the Standard Details and Section 10-1.2735.i. for design criteria and standards.

v. Outdoor Storage.

All uses shall be conducted wholly within enclosed buildings. Minor open storage is a secondary use and is permitted, provided the materials, products, or equipment stored are necessary to the operation of a use being conducted on the site. Storage shall not exceed the height of any fence or wall required by this Ordinance, and storage shall not be placed within required yard or parking areas. Outdoor storage shall be screened by a view-obscuring fence or masonry wall and be compatible with adjoining uses, as determined by the Planning Director (for example, adequately screened, set back or not too high, and not visually unpleasant as with outside storage of appliances in conjunction with appliance sales/service).

w. Retaining Walls.

Retaining walls which are not a part of walls of buildings shall require review and approval by the Planning Director.

x. Roof-Mounted Equipment.

Roof-mounted equipment, antennas, satellite dishes, support structures and similar devices shall be screened from public view as required by the Planning Director or other approval authority.

y. Signs.

Signs shall be of a design in harmony with the environment, shall not constitute excessive visual impact, shall not be hazardous to vehicular traffic, and shall be of a quality conducive to the development of commerce. (Refer to the City of Hayward Sign Ordinance for specific regulations)

z. Surfacing.

All open areas not landscaped shall be treated or paved with an all-weather, dustless material, such as an asphaltic surface, as approved by the Planning Director. Surfacing shall be permanently maintained, including replacement where necessary.

aa. Trash and Recycling Facilities.

- (1) Trash and recycling facilities shall be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site.
- (2) Shall be located no further than 100 feet from the use it is designed to serve, unless the site topography is such that adhering to this standard would interfere with the collection of trash.
- (3) Shall have a covered roof.

bb. Truck Loading Facilities.

- (1) Truck loading spaces and the access and maneuvering areas serving loading spaces shall be located on the same parcel as the activity served and must be exclusive of the area used for required parking spaces. Truck turning templates should be used for design.
- (2) Truck loading/unloading shall not take place on public streets and shall not interfere with on-street traffic, parking or sidewalks.
- (3) Loading areas should not dominate the street frontage, and should not directly face a major street. Where loading docks or doors are located directly off abutting street(s), the following policy shall be used for truck maneuvering:

- (a) If the abutting street is a major street where the curb-to-curb width is 72 feet or more, the loading facility/dock/door, etc., shall be located so that a truck cannot use the street as a means to maneuver in a backwards motion towards the unloading point. This will require an unobstructed on-site **minimum** depth of 95 - 115 feet in front of the loading area. Driveways shall not be placed to line up with the loading docks.
- (b) On service roads (streets 40-48 feet curb-to-curb), truck maneuvering can take place within the street area, and the driveway may be lined up with the loading dock. When a truck is parked at the loading point, it shall not project into the public right-of-way. A minimum of 65 feet shall be unobstructed and provided in front of the loading area.

cc. **Yard Exceptions.**

Spur tracks, open bays for truck loading, and off-street parking spaces may be placed within rear or side yards, except when abutting any A, FP, MH, O, R, or residential PD District.



SEC. 104.2000 AGRICULTURAL DISTRICT (A)

## Sections:

- Section 10- 1.2005 **Purpose.**  
 Section 10-1.2010 Subdistricts.  
 Section 10-1.2015 Uses Permitted.  
 Section 10- 1.2020 Conditionally Permitted Uses.  
 Section 10-1.2025 Lot Requirements.  
 Section 10-1.2030 Yard Requirements.  
 Section 10-1.2035 Height Limit.  
 Section 10-1.2040 Site Plan Review Required.  
 Section 10-1.2045 Minimum Design and Performance Standards.

SEC. 10-1.2005 PURPOSE.

The A District shall be subject of the following specific regulations in addition to the general regulations hereinafter contained in order to preserve agricultural areas until such time as orderly development may take place.

SEC. 10-1.2010 SUBDISTRICTS.

Combining B2.5A, B5A, B10A, B100A, or B160A.

SEC. 10-1.2015 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the A District as primary uses.
- (1) Agricultural Uses.
    - (a) Crop and tree farming. (Including truck gardening, nurseries, greenhouses, apiaries, hatcheries, aviaries, flower or vegetable gardens and similar uses)
    - (b) Farm or ranch. (For the grazing or breeding of livestock, provided livestock is not kept within a distance of 40 feet from any dwelling, or the boundary of any district other than A or FP Districts.)
    - (c) Sale of fruits, vegetables, and flowers grown on premises. (Provided sales or displays are not conducted from a motor vehicle, or a structure or stand exceeding 300 square feet in area.)
  - (2) Residential Uses.
    - (a) Single-family dwelling.
    - (b) Group home. (See definition #105)
  - (3) Other Uses.
    - (a) Christmas tree or pumpkin patch lot. (See Sec. 10-1.2735.d. for standards)
    - (b) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definition #72)

(c) Public agency facilities.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the primary uses permitted in the A District:

(1) **Residential Uses.**

(b) Attached second dwelling unit.

(Also referred to as a “Granny Unit.” See Section 10-1.2045 for criteria)

(c) Second single-family dwelling.

(Where one single-family dwelling already exists on a lot, one additional single-family dwelling may be constructed provided the minimum development standards (lot size, setbacks, height, etc., can be met for each dwelling).

(2) **Other Uses.**

(b) Accessory buildings and uses.

(Including green houses, stables, barns, corrals, pens, coops, and structures used for parking or processing of products raised upon the premises, and similar uses and structures customarily incidental to agricultural uses. Also see Section 10-1.2045)

(c) Garage sales.

(4 per year per dwelling. See Section 10-1.2045)

(d) Home Occupation.

(See definition #111)

(e) Household pets.

(max. 4 cats and 4 dogs. See Section 10-1.2735(f) and definition #170)

(f) Livestock, large and small.

(See Section 10-1.2735.(f) and definition #127)

**SEC. 10-1.2020 CONDITIONALLY PERMITTED USES.**

a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the A District subject to approval of an administrative use permit:

(1) **Agricultural Uses.**

(a) Riding stable or academy.

(b) Kennel.

(2) **Residential Uses.**

None.

(3) **Other Uses.**

(a) Ambulance service.

(b) Day care center.

(State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definition #71)

(c) Home Occupation, expanded.

(See definition #112)

(d) Hospital, convalescent home.

(e) Kennel.

(f) Parking lot.

(g) Temporary use.

(h) Wind energy conversion system.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are conditional uses permitted in the A District subject to the approval of a conditional use permit:

(1) **Agricultural Uses.**

None.

(2) **Residential Uses.**

None.

(3) **Other Uses.**

(a) Cultural facility.

(b) Educational facility..

(c) Golf course, country club.

(d) Quarry.

(e) Recreational facility.

(f) Religious facility.

**SEC. 10-1.2025 LOT REQUIREMENTS.**

- |   |                        |
|---|------------------------|
| a. Minimum Lot Size:                            | 1 acre.                |
| b. Minimum Lot Frontage:                        | 35 feet.               |
| c. Minimum Average Lot Width:                   | 200 feet.              |
| d. Maximum Lot Coverage:                        | 40 percent.            |
| e. Minimum Lot Depth:                           | 100 feet.              |
| f. Special Lot Requirements<br>and Exceptions : | See Section 10-1.2720. |

**SEC. 10-1.2030 YARD REQUIREMENTS.**

- |   |  |
|---|--|
| a. Minimum Front Yard:                          | 20 feet.   |
| b. Minimum Side Yard:                           | 30 feet combined, with no one side yard of less than 10 feet.  |
| c. Minimum Second Story Side Yard:              | One side of a two story building shall be stepped in an additional 5 feet.   |
| d. Minimum Side Street Yard:                    | 10 feet.   |
| e. Minimum Rear Yard:                           | 35 feet or 30 feet from tree line.<br>(Exception: Reduction of required rear yard to 25 feet is permitted for one-story additions attached to the rear of a single-family dwelling, provided the required rear yard area is not reduced by more than 20 percent) |
| f. Special Yard Requirements<br>and Exceptions: | See Section 10-1.2725.   |

**SEC. 10-1.2035 HEIGHT LIMIT.**

- |  |  |
|--|--|
| a. Maximum Building Height :               | 40 feet.   |
| b. Maximum Accessory Building Height:      | 26 feet.   |
| c. Maximum Height for Fences/hedges/walls. |  |
| (1) Front and Side Street Yard:            | 4 feet.  |
| (2) Side and Rear Yard:                    | 6 feet.  |
|  | (Also see Section 10-1.2045 for additional standards). |

- d. Special Height Requirements  
and Exceptions:

See Section 10-1 .2730.

**SEC. 10-1.2040 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. This may include fences (i.e., such as anodized gray chain link fences,) in certain circumstances.

**SEC. 10-1.2045 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

This Section establishes design and performance standards that shall apply to the construction of agricultural, commercial, and residential buildings and uses in the A District.

a. **Single-family dwelling.**

For single-family dwellings, additions, accessory buildings and uses refer to the applicable criteria and standards contained in the RS District, Section 10-1.245.

b. **Agricultural and Commercial Uses.**

For agricultural and commercial buildings and uses, including but not limited cultural, educational, religious or recreational facilities, refer to the applicable criteria and standards contained in the CN District, Section 10-1 .845.

## SEC. 104.2100 FLOOD PLAIN DISTRICT (FP)

Sections:

- Section 10-1.2105 **Purpose.**
- Section 10-1.2110 Subdistricts.
- Section 10-1.2115 Uses Permitted.
- Section 10-1.2120 Conditionally Permitted Uses.
- Section 10-1.2125 Lot Requirements.
- Section 10-1.2130 Yard Requirements.
- Section 10-1.2135 Height Limit.
- Section 10-1.2140 Site Plan Review Required.
- Section 10-1.2145 Minimum Design and Performance Standards.

### SEC. 10-1.2105 PURPOSE.

The FP District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to protect persons and property from the hazards of development in areas subject to tidal or flood water inundation, and to protect the community from the costs which may be incurred or premature development occurs in such area.

### SEC. 10-1.2110 SUBDISTRICTS.

Combining 100A District.

### SEC. 10-1.2115 USES PERMITTED.

- a. Primary Uses. The following uses, or uses determined to be similar by the Planning Director, are permitted in the FP District as primary uses.
  - (1) Flood Plain/Agricultural Uses.
    - (a) Chemical extraction from sea water by solar and natural evaporation.
    - (b) Crop and tree farming. (Including truck gardening, nurseries, greenhouses, apiaries, hatcheries, aviaries, flower or vegetable gardens and similar uses.)
    - (c) Dredging of oyster shells and other deposits from San Francisco Bay.
    - (d) Farm or ranch. (For the grazing or breeding of livestock, provided livestock is not kept within a distance of 40 feet from any dwelling, or the boundary of any district other than A or FP Districts.)
    - (e) Sale of fruits, vegetables,
    - (f) and flowers grown on premises. (Provided sales or displays are not conducted from a motor vehicle, or a structure or stand exceeding 300 square feet in area.)
  - (2) Other Uses.
    - (a) Christmas tree or pumpkin patch lot. (See Sec. 10-1.2735-d. for standards)
    - (b) Public agency facilities.

- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the FP District:

- |                                   |   |
|-----------------------------------|---|
| (1) Accessory buildings and uses. | (Including green houses, stables, barns, corrals, pens, coops, and structures used for parking or processing of products raised upon the premises, and similar uses and structures customarily incidental to agricultural uses. Also see Section 10-1.2145) |
| (2) Livestock, large and small.   | (See Section 10-1.2735.(f) and definition #127)   |

### **SEC. 10-1.2120 CONDITIONALLY PERMITTED USES.**

- a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the FP District subject to approval of an administrative use permit:

- (1) Flood Plain/Agricultural Uses.  
None.
- (2) Other Uses.
  - (a) Parking lot.
  - (b) Temporary use.
  - (c) Wind energy conversion system.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the FP District subject to approval of a conditional use permit:

- (1) Flood Plain/Agricultural Uses.  
None.
- (2) Other Uses.
  - (a) Broad Casting Studio (Radio and television)
  - (b) Commercial amusement facility.
  - (c) Recreational facility.
  - (d) Salvage and earthfill disposal of products and materials,

### **SEC. 10-1.2125 LOT REQUIREMENTS.**

- |   |                        |
|---|------------------------|
| a. Minimum Lot Size:                        | 10 acre.               |
| b. Minimum Lot Frontage:                    | 35 feet.               |
| c. Minimum Average Lot Width:               | 200 feet.              |
| d. Maximum Lot Coverage:                    | 40 percent.            |
| e. Minimum Lot Depth:                       | 100 feet.              |
| f. Special Lot Requirements and Exceptions: | See Section 10-1.2720. |

### **SEC. 10-1.2130 YARD REQUIREMENTS.**

- |                              |          |
|------------------------------|----------|
| a. Minimum Front Yard:       | 30 feet. |
| b. Minimum Side Yard:        | 30 feet. |
| c. Minimum Side Street Yard: | 30 feet. |
| d. Minimum Rear Yard:        | 30 feet. |

e. Special Yard Requirements  
and Exceptions:

See Section 10-1.2725.

**SEC. 10-1.2135 HEIGHT LIMIT.**

- a. Maximum Building Height: 40 feet.
- b. Maximum Accessory Building Height: 26 feet.
- c. Maximum Height for Fences/hedges/walls.
- d. Front and Side Street Yard: 4 feet.
- e. Side and Rear Yard: 6 feet.  
(Also see Section 10-1.2145 for additional standards).
- f. Special Height Requirements  
and Exceptions: See Section 10-1.2730.

**SEC. 10-1.2140 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required before issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines. This may include fences (i.e., such as anodized gray chain link fences,) in certain circumstances.

**SEC. 10-1.2145 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

This Section establishes design and performance standards that shall apply to the construction of flood plain/agricultural and commercial buildings and uses in the FP District.

**Flood Plain/Agricultural and Commercial Uses.**

For flood plain/agricultural and commercial buildings and uses, refer to the applicable criteria and standards contained in the CN District, Section 10-1.845.



**SEC. 10-1.2200 OPEN SPACE/PARKS AND RECREATION DISTRICT (OS)**

## Sections:

- Section 10-1.2205 Purpose.
- Section 10-1.2210 Subdistricts.
- Section 10-1.2215 Uses Permitted.
- Section 10-1.2220 Conditionally Permitted Uses.
- Section 10-1.2225 Lot Requirements.
- Section 10-1.2230 Yard Requirements.
- Section 10-1.2235 Height Limit.
- Section 10-1.2240 Site Plan Review.
- Section 10-1.2245 Minimum Design and Performance Standards.

**SEC. 10-1.2205 PURPOSE.**

The OS District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment devoted to parks, recreation, or passive or active open space uses for the enjoyment of all members of the community. The OS District may be used to preserve and protect land areas of special or unusual ecological or geographic interest.

**SEC. 10-1.2210 SUBDISTRICTS.**

None.

**SEC. 10-1.2215 USES PERMITTED.**

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the OS District as primary uses:
  - (1) Open space preserve areas. (Examples: wetlands, habitat refuge areas)
  - (2) Public parks and recreation facilities. (Examples: regional parks, community and neighborhood parks)
  - (3) Private parks and recreation facilities. (Examples: Homeowners Association owned parks and swim centers)
- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the OS District:
  - (1) Accessory building and uses. (Including concession stands, maintenance buildings, parking lot, restroom building, etc.).
  - (2) Public recreational equipment. (Athletic courts and fields, picnic facilities, and fields; play equipment reservoir, swimming pool)
  - (3) City sponsored events and festivals.

**SEC. 10-1. 2220 CONDITIONALLY PERMITTED USES.**

a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the OS District subject to approval of an administrative use permit:

- (1) Outdoor gatherings.
- (2) Temporary uses.
- (3) Special events.

(Examples: City-sponsored events and facilities)

b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are conditional uses permitted in the OS District subject to the approval of a conditional use permit:

- (1) Special use facilities

(Examples: sports parks or complexes, golf courses, zoos, nature centers)

**SEC. 10-1. 2225 LOT REQUIREMENTS.**

- a. Minimum Lot Size: 1 acre.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 200 feet.
- d. Maximum Lot Coverage: N/A.
- e. Minimum Lot Depth: 100 feet.
- f. Special Lot Requirements and Exceptions: See Section 10-1.2720.

**SEC. 10-1. 2230 YARD REQUIREMENTS.**

- a. Minimum Front Yard: 30 feet.
- b. Minimum Side Yard: 30 feet.
- c. Minimum Side Street Yard: 30 feet.
- d. Minimum Rear Yard: 30 feet.
- e. Special Yard Requirements and Exceptions: See Section 10-1.2725.

**SEC. 10-1. 2235 HEIGHT LIMIT.**

- a. Maximum Building Height: 40 feet.
- b. Maximum Accessory Building Height: 26 feet.
- c. Maximum Height for Fences/hedges/walls.
  - (1) Front and Side Street Yard: 4 feet.
  - (2) Side and Rear Yard: 6 feet.

(Also see Section 10-1.2245 for additional standards).
- d. Special Height Requirements and Exceptions: See Section 10-1.2730.

**SEC. 10-1.2240 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval may be required before issuance of any building or construction permit within this district if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines. This may include fences (i.e., such as anodized gray chain link fences in certain circumstances .)

**SEC. 10-1.2245 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

The following are minimum design and performance standards for certain developments in the OS District.

**Open Space/Park and Recreation Uses.**

For open space/park and recreation buildings and uses, refer to the applicable criteria and standards contained in the CN District, Section 10-1 .845.



## SEC. 10-1.2300 PUBLIC FACILITIES DISTRICT (PF)

### Sections:

- Section 10-1.2305 Purpose.
- Section 10-1.2310 Subdistricts.
- Section 10-1.2315 Uses Permitted.
- Section 10-1.2320 Conditionally Permitted Uses.
- Section 10-1.2325 Lot Requirements.
- Section 10-1.2330 Yard Requirements.
- Section 10-1.2335 Height Limit.
- Section 10-1.2340 Site Plan Review.
- Section 10-1.2345 Minimum Design and Performance Standards.

### SEC. 10-1.2305 PURPOSE.

The PF District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment devoted to publicly owned government buildings and facilities, public community centers, libraries and museums, public educational facilities, public school districts facilities, public transit stations, public parking lots and structures, and other such uses directly or indirectly serving the general public.

### SEC. 10-1.2310 SUBDISTRICTS.

None.

### SEC. 10-1.2315 USES PERMITTED.

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the PF District as primary uses:
  - (1) Public agency facilities.
  - (2) Public educational facilities.
  - (3) Public parking lots and structures.
  - (4) Public school districts facilities.
  - (5) Public transit stations.
- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the PF District:
  - (1) Accessory buildings and uses.
  - (2) Cafeterias, concessions stands and information kiosks located inside a public agency building.
  - (3) Public agency equipment and storage yards.

### SEC. 10-1.2320 CONDITIONALLY PERMITTED USES IN THE PF DISTRICT.

- a. **Administrative Uses** The following uses, or uses determined to be similar by the Planning Director, are permitted in the PF District subject to approval of an administrative use permit:

Concession stands located outside a public agency building.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are conditional uses permitted in the PF District subject to the approval of a conditional use permit:  
None.

#### **SEC. 10-1.2325 LOT REQUIREMENTS.**

- |  |                           |
|--|---------------------------|
| a. Minimum Lot Size:                           | <b>5,000</b> square feet. |
| b. Minimum Lot Frontage:                       | 35 feet.                  |
| c. Minimum Average Lot Width:                  | 50 feet.                  |
| d. Maximum Lot Coverage:                       | 90 percent.               |
| e. Minimum Lot Depth:                          | 80 feet.                  |
| f. Special Lot Requirements<br>and Exceptions: | See Section 10-1 .2720.   |

#### **SEC. 10-1.2330 YARD REQUIREMENTS.**

- |   |                         |
|---|-------------------------|
| a. Minimum Front Yard:                          | <b>20</b> feet.         |
| b. Minimum Side Yard:                           | 5 feet.                 |
| c. Minimum Side Street Yard:                    | 10 feet.                |
| d. Minimum Rear Yard:                           | <b>20</b> feet.         |
| e. Special Yard Requirements<br>and Exceptions: | See Section 10-1 .2725. |

#### **SEC. 10-1.2335 HEIGHT LIMIT.**

- |  |  |
|--|--|
| a. Maximum Building Height:                        | No limit.  |
| b. Maximum Accessory Building Height:              | <b>26</b> feet.  |
| c. Maximum Height for Fences/hedges/walls.         |  |
| (1) Front and Side Street Yardf                    | <b>4</b> feet.   |
| (2) Side and Rear Yard:                            | <b>6</b> feet.   |
|  | (Also see Section 10-1.2345 for additional standards). |
| d. Special Height Requirements<br>and Exceptions : | See Section 10-1 .2700.                                |

#### **SEC. 10-1.2340 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval may be required before issuance of any building or construction permit within this district if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines. This may include fences (i.e., such as anodized gray chain link fences in certain circumstances.)

#### **SEC. 10-1.2345 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

This Section establishes design and performance standards that shall, apply to the construction of open space/park and recreation buildings and uses in the PF District.

#### **Open Space/Park and Recreation Uses.**

For open space/park and recreation buildings and uses, refer to the applicable criteria and standards contained in the CN District, Section 10-1.845.

**SEC. 10-1.2400 SPECIAL LOT STANDARDS COMBINING DISTRICT (B)**

## Sections:

- Section 10- 1.2405 Purpose.
- Section 10-1.2410 Subdistricts.
- Section 10-1.2415 Uses Permitted.
- Section 10- 1.2420 Conditionally Permitted Uses.
- Section 10-1.2425 Lot Requirements of District.
- Section 10-1.2430 Yard Requirements of District.
- Section 10-1.2435 Height Limit of District.
- Section 10-1.2440 Site Plan Review Required.
- Section 10-1.2445 Minimum Design and Performance Standards.

**SEC. 10-1.2405 PURPOSE.**

When the B District is combined with another District, the regulations of the District shall be modified by the following requirements. The B District shall be used in order to make provision more suitable for districts, wherever conditions require.

**SEC. 10-1.2410 SUBDISTRICTS.**

**B3.5; B4; B6; B7; B8; B10; B20; B25; B40; B2.5A; B5A; B10A; B100A; B160A.**

Note: Any lot or parcel made substandard in size or average lot width by a rezoning from an A (Agricultural) District to an AB (Agricultural Combining) District shall be deemed to comply with minimum requirements of area or average lot width required herein.

**SEC. 10-1.2425 USES PERMITTED.**

As permitted by the District combined.

**SEC. 10-1.2430 CONDITIONALLY PERMITTED USES.**

As permitted by the District combined.

**SEC. 10-1.2435 LOT REQUIREMENTS.**

Lot requirements shall be as set forth in the following Table 2.

**SEC. 10-1.2430 YARD REQUIREMENTS.**

Yard requirements shall be as set forth in the following Table 3.

**SEC. 10-1.2435 HEIGHT LIMIT OF DISTRICT.**

Building height shall the same as the primary district combined with.

**SEC. 10-1.2440 SITE PLAN REVIEW REQUIRED.**

Site Plan Review approval is required prior to issuance of any building or construction permit or construction of a fence within this district only if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines.

**SEC. 10-1.2445 MINIMUM DESIGN AND PERFORMANCE STANDARDS.**

Shall be the same as the primary district combined with.

TABLE 2 B DISTRICT LOT REQUIREMENTS						
B Districts	Minimum Lot Size  (Sq. Ft.)	Minimum Lot Area P e r Primary Use (Sq. Ft.)	Minimum Lot Frontage (Feet)	Minimum Lot Width (Feet)	Maximum Lot Coverage (Percent)	Minimum Lot Depth (Feet)
B3.5	6,000	3,500	*	60	*	*
<b>(RS)B4</b>	4,000	4,000	*	<b>50**</b>	*	*
<b>(RM)B4</b>	8,000	4,000	*	60	*	*
B6	6,000	6,000	*	60	*	*
<b>B7</b>	<b>7,500</b>	*	*	<b>70</b>	*	*
<b>B8</b>	<b>8,000</b>	<b>8,000</b>	*	<b>70</b>	*	*
<b>B10</b>	10,000	10,000	*	80	*	*
B20	20,000	20,000	*	100	*	*
<b>(AT)B25</b>	25,000	<b>25,000</b>	*	*	*	*
B40	40,000	40,000	*	120	*	*
<b>B2.5A</b>	2.5 acres	2.5 acres	*	200	*	*
<b>B5A</b>	5 acres	5 acres	*	250	*	*
<b>B10A</b>	10 acres	10 acres	*	400	*	*
<b>B100A</b>	100 acres	100 acres	*	<b>400</b>	*	*
<b>B160A</b>	160 acres	160 acres	*	400	*	*

Notes: \* Same as primary district combined with.

\*\* Corner lots shall be a minimum of 55 feet in width.

**TABLE 3**  
**B DISTRICT YARD REQUIREMENTS**

<b>B Districts</b>	<b>Minimum Front Yard (Feet)</b>	<b>Minimum Side Yard (Feet)</b>	<b>Minimum Side Street Yard (Feet)</b>	<b>Minimum Rear Yard (Feet)</b>
<b>B3.5</b>	*	*	*	*
<b>(RS)B4</b>	*	*	*	*
<b>(RM)B4</b>	*	*	*	*
<b>B6</b>	*	*	*	*
<b>B7</b>	*	*	*	*
<b>B8</b>	*	*	*	*
<b>B10</b>	*	*	*	*
<b>B20</b>	*	*	*	20
<b>(AT)B25</b>	*	*	*	*
<b>B40</b>	20	**	20	20
<b>B2.5A</b>	30	**	20	30
<b>B5A</b>	30	**	20	30
<b>B10A</b>	30	**	20	30
<b>B100A</b>	30	**	20	30
<b>B160A</b>	30	**	20	30

Notes:

\* Same as primary district combined with.

\*\* 40 feet combined, with one side yard not less than 10 feet.



## **SEC. 10-1.2500 PLANNED DEVELOPMENT DISTRICT (PD)**

### Sections:

- Section 10-1.2505 **Purpose.**
- Section 10-1.2510 Uses Permitted.
- Section 10-1.2515 Minimum Site.
- Section 10-1.2520 Standards of Development.
- Section 10-1.2525 Application and Submittal.
- Section 10-1.2530 Preliminary Development Plan.
- Section 10-1.2535 Findings Required.
- Section 10-1.2540 Planning Commission Action.
- Section 10-1.2545 City Council Action.
- Section 10-1.2550 Precise Development Plan Approval.
- Section 10-1.2555 Modification.
- Section 10-1.2550 Termination.
- Section 10-1.2565 Extension.
- Section 10-1.2570 Planned Development For Condominium, Community Apartment House, Stock Cooperative Or Any Other Type Subdivision.

### **SEC. 10-1.2505 PURPOSE.**

The purpose of the PD District is to:

- a. Encourage development, redevelopment, and rehabilitation, which through efficient and attractive space utilization emphasizes conservation, open space, and recreational amenities, and which is harmonious with the natural characteristics of the land, including topography, ponds, rock outcroppings, significant tree clusters, and ridge tops.
- b. Establish development procedures and standards whereby such lands may be developed most appropriately to maintain and enhance the natural and man-made advantages of such sites.
- c. Foster well designed residential and nonresidential development, encouraging projects incorporating a variety of housing types or combinations of residential and nonresidential uses by allowing diversification in the relationship of uses, buildings, architectural design, lot sizes, yard areas, and open spaces which may not be achievable under other zoning districts.
- d. Planned Development Districts are intended to carry out the policies and objectives of the General Plan, Design Review Guidelines, the Hillside Design Guidelines, and the Landscape Beautification Plan and to meet the standards necessary to satisfy the requirement for public health, safety, and general welfare.

### **SEC. 10-1.2510 USES PERMITTED.**

Land uses permitted in any other district may be permitted in this District provided such use or uses are in harmony with each other and serve to fulfill the function of the planned unit development while complying with the General Plan, including any applicable neighborhood plan. If approved by the

Planning Director, primary or secondary uses permitted in the conventional zoning district(s) most similar to the specific Planned Unit District may be substituted for the uses originally approved.

#### **SEC. 10-1.2520 MINIMUM SITE.**

There shall be no minimum area required to establish a PD District. However, the land on which PD District regulations are applied must be contiguous and under the development control of the applicant.

#### **SEC. 10-1.2525 STANDARDS OF DEVELOPMENT.**

Standards of lot area, frontage and width, coverage, density, yards, building heights, site and building design, landscaping, open space, fencing, signs, and parking for uses in a PD District shall be the standards of the zoning district (excluding other PD Districts), Municipal Code, the General Plan, any applicable neighborhood plan, the Design Review Guidelines, the Hillside Design Guidelines, and the Landscape Beautification Plan governing uses most similar in nature and function to the uses proposed in the PD District.

#### **SEC. 10-1.2530 APPLICATION AND SUBMITTAL.**

##### **a. Application.**

- (1) Application for establishment of a Planned Development District shall be on a form as prescribed by the Planning Director and shall be signed by the applicant and by an owner of the property or the owner's authorized representative.
- (2) The application shall be submitted to the Development Review Services Division and shall be accompanied by payment of a fee, as established from time to time by resolution of the City Council.
- (3) The application shall be accompanied by all required written material and drawings in such form and number as the Planning Director may require.
- (4) Plans shall be prepared and endorsed by qualified professional practitioners, including a licensed architect, a licensed land surveyor, a registered civil engineer and a registered landscape architect.

##### **b. Application Content.**

As determined by the Planning Director and City Engineer, the plan and supporting documents shall include all, or as much as is applicable, of the information listed below. Where the proposal is innovative in that it combines a mixture of uses or housing of various densities as determined by the Planning Director, the requirements for submittal may be reduced as determined appropriate by the Planning Director and the City Engineer.

##### **(1) Preliminary Development Plan.**

As determined by the Planning Director and City Engineer, the plan and supporting documents shall include all, or as much as is applicable, of the following information:

- (a) A topographic map of the subject property or properties, prepared by a registered civil engineer or licensed land surveyor, including a written legal description of the subject area, and showing in accurate detail the topography, existing buildings and existing land features and trees, and the percentage of slope of the site that falls within the following categories:

0 - 10%      11 - 20%      21 - 30%      31% or more.

- (b) Drawings showing all proposed land uses, including typical exterior building and sign elevations, locations, and materials of all structures, floor plans; front, rear and side yard dimensions; public and private open spaces such as patios, balconies, parks, playgrounds, school sites; preliminary landscape plan, fences, walls, and utility meters.
- (c) A residential density and population analysis and a tabulation of the total land area and percent designated thereof for each use.
- (d) Proposed traffic circulation pattern, indicating public and private vehicular and pedestrian facilities, including trails, paths, plazas, bikeways; provisions for parking and loading; driveway locations and public or private mass transit facilities; estimated traffic generation as it affects public and private vehicular and pedestrian facilities within and in the vicinity of the proposed development.
- (e) Relation to present and future land use in surrounding area and to the General Plan.
- (f) Economic feasibility analysis of commercial uses, if the property is not zoned for similar commercial uses at the time of submittal of the preliminary development plan.
- (g) An analysis of all public, quasi-public, recreational, and educational areas and facilities proposed in terms of their adequacy to meet projected needs.
- (h) A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures, and open space.
- (i) Preliminary report indicating provision for storm drainage, sewage disposal and utilities.
- (j) A preliminary soils, seismic and geological report.
- (k) A preliminary grading plan to determine the feasibility of proposed improvements.
- (l) Delineation of development phasing, if any.
- (m) Any additional information which may be required in order to determine if contemplated arrangement or uses make it desirable to apply a PD District classification to the area under consideration

#### **SEC. 10-1.2535 PRELIMINARY DEVELOPMENT PLAN.**

The applicant shall submit a preliminary development plan for an approval in principle. This approval shall be limited to the general acceptability of the land uses and densities proposed and their interrelationships and shall not be construed to endorse precise location of uses, configuration of parcels or engineering feasibility.

#### **SEC. 10-1.2540 FINDINGS REQUIRED.**

Before approving or recommending approval of a preliminary development plan, the Planning Commission and the City Council shall find that:

- a. The development is in substantial harmony with the surrounding area and conforms to the General Plan.
- b. Streets and utilities, existing or proposed, are adequate to serve the development.
- c. In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as schools, playgrounds, and parks, are adequate to serve the anticipated population

and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development.

- d. In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development.
- e. In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule.
- f. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

#### SEC. 10-1.2540 PLANNING COMMISSION ACTION.

In taking action the Planning Commission may deny the preliminary development plan as submitted and the establishment of a PD District, or may recommend approval of said plan and the establishment of a PD District, subject to specified amendments or conditions. Where the preliminary plan was limited to a conceptual planned development district with limited information, the precise plan shall be considered by the Planning Commission.

#### SEC. 10-1.2545 CITY COUNCIL ACTION.

Approval by the City Council of the preliminary development plan in accordance with the amendment procedures of this Ordinance shall constitute that body's approval of the necessary amendments of the zoning district map(s) establishing a PD District, and the preliminary development plan shall, by reference, be incorporated into and become a part of the ordinance amending said zoning district map(s). Said plan shall be filed in the office of the City Clerk.

#### SEC. 10-1.2550 PRECISE DEVELOPMENT PLAN APPROVAL.

- a. The Planning Director shall review the application and, upon a determination that the precise development plan is in substantial conformance with the approved preliminary development plan, shall approve the precise development plan; otherwise, it shall be disapproved.
- b. If the precise development plan is disapproved, the applicant may resubmit the application with such changes as may be deemed necessary, or the applicant may appeal the disapproval to the Planning Commission by filing a written appeal in the Community Planning and Economic Development within 10 days of the notice of disapproval. The decision of the Planning Commission is final.
- c. When a precise development plan is submitted in conjunction with a subdivision final map, the precise development plan shall be reviewed by the City Council to determine substantial conformance.

SEC. 10-1. 2555 MODIFICATION.

Major modification of either the preliminary development plan or the precise development plan may be accomplished by submitting a request for such modification according to the same procedure as is required in the initial review and approval process. Minor modifications may be approved by the Planning Director.

SEC. 10-1. 2560 TERMINATION.

- a. Preliminary development plan approval shall be void one year after the effective date of approval unless the precise development plan has been submitted for review and processing in accordance with all conditions of the preliminary development plan.
- b. If a Planned Development District was approved in conjunction with a subdivision, the approval shall be void when the subdivision approval expires.
- c. Precise development plan approval shall be void one year after the effective date of approval unless a building permit application is accepted for processing by the Building Official.
- d. Whenever a planned development district becomes void, the Planning Director, Planning Commission, or City Council may institute consideration of reclassification of the property.

SEC. 10-1. 2565 EXTENSION.

- a. If the precise development plan is not submitted, or a building permit application is not submitted and accepted for processing within the time period required, a maximum of two 1-year extensions may be approved by the City Council. A request for an extension of time must be filed in the Development Review Services Division at least 30 days prior to the expiration date, and action on the request shall be taken within 30 days of the expiration date of the precise development plan. Notice of said action shall be given pursuant to Section 10-1.2825.
- b. In making a decision on approval of an extension, the following shall be considered:
  - (1) the cause for delay in submission of the precise development plan,
  - (2) evidence of the applicant's ability to adhere to the proposed revised development schedule, and
  - (3) whether the approved precise development plan is in conformance with existing development regulations.

SEC. 10-1. 2570 PLANNED DEVELOPMENT FOR CONDOMINIUM, COMMUNITY APARTMENT HOUSE, STOCK COOPERATIVE OR ANY OTHER TYPE SUBDIVISION.

- a. When an application for a planned development involves a condominium, community apartment house, stock cooperative or any other type subdivision, the project (separately or concurrently) shall be processed and reviewed by the Planning Commission, and a recommendation thereon submitted to the City Council.
- b. In the event a condominium, community apartment house, stock cooperative or any other type subdivision involves property for which a planned development has previously been approved, the Commission and Council shall have the authority to modify said approved

planned development or the conditions of approval of same to insure that planned development and subdivision are compatible.

## **SEC. 104.2600 SPECIAL DESIGN OVERLAY DISTRICT (SD)**

Sections:

Section 10-1.2605 Purpose.

Section 10-1.2610 “B” Street Special Design Streetcar District (SD-1).

Section 10-1.2620 Mission Corridor Special Design District (SD-2).

Section 10-1.2625 Cottage Special Design District (SD-3).

### **SEC. 10-1.2605 PURPOSE.**

In order to provide for the conservation and compatible development of areas within the City of historic or architectural character, special requirements contained hereinafter apply in addition to the requirements of the underlying district and other design and development performance standards, including but not limited to the provisions of the Historic Preservation Ordinance (Hayward Municipal Code Chapter 10, Article 11).

### **SEC. 10-1.2610 “B” STREET SPECIAL DESIGN STREETCAR DISTRICT (SD-1).**

The following specific design requirements shall apply to the “B” Street Special Streetcar Design District (SD-1).

#### **a. Landscape.**

- (1) Sycamore street trees shall be maintained and replaced if missing or unhealthy.
- (2) Front yard setback, except for access driveway, shall be landscaped.
- (3) Solid fencing or other fencing higher than three feet shall not be permitted in front yard.

#### **b. Siting.**

- (1) Depth of the front yard shall generally conform with adjacent yards of original houses except for commercial uses abutting the railroad and at the corners of “B” and Meekland and “B” and Watkins.
- (2) New buildings shall maintain the rhythm of houses at fifty foot intervals, such as, no continuous wall planes shall span an original lot line, except for commercial uses abutting the railroad and at the corners of “B” and Meekland and “B” and Watkins.
- (3) Primary entrance shall be oriented toward “B” Street.
- (4) Parking shall be located to the rear of front building.

#### **c. Architecture.**

- (1) Except for possible flat roofs on commercial buildings abutting railroad and at the corners of “B” and Meekland and “B” and Watkins, primary roofs shall be hip, gambrel, or gable design.
- (2) Front building entrance shall be featured; residential entrances shall incorporate an elevated porch.
- (3) Substantial window areas shall overlook street.
- (4) Architecture and materials shall be sympathetic to original Victorian, Colonial Revival, or Craftsman styles; for example, untrimmed openings, garish colors, and plywood siding generally not acceptable.

## **SEC. 10-1.2615 MISSION CORRIDOR SPECIAL DESIGN DISTRICT (SD-2).**

The following specific **design** requirements shall apply to the Mission Corridor Special Design District (SD-2).

### **a. Design Theme.**

The design theme for this district shall be Spanish ranch, compatible with the early history of Mission Boulevard as a connection between Spanish ranches and missions on the California coast. The theme is intended to support a friendly, neighborhood character with relatively low, spreading rooflines, warm earth textures and colors, and attractive exterior spaces for pedestrians, workers, and residents.

### **b. Siting.**

- (1) Buildings and signs along the east side of Mission Boulevard shall be set back or limited in height so as not to intrude upon views of the hills above 300-foot elevation as viewed from the west side of Mission Boulevard.
- (2) All high density residential development, except that located over commercial development along Mission Boulevard, shall provide interior courtyards with a minimum dimension of 80 feet and shall provide a 20-foot landscaped setback on all sides of the project with windows. Generally a minimum dimension of 200 feet would be required for a courtyard style.
- (3) Medium density housing may reduce the front setback to 10 feet if private yards 20 feet deep or atriums are provided.
- (4) Retail and office development shall include courtyard spaces with features such as fountains or multi-trunked trees in raised, seating-height planters where feasible.
- (5) Wherever feasible, access to parking should be from an alley or private drive so street frontage is not dominated by driveways. Exit directly onto Mission Boulevard shall be avoided in order to protect pedestrians and motorists and to maintain the continuity of architecture and landscaping.

### **c. Architecture.**

- (1) Predominant roofs shall be low-pitched (approximately 4:12) and of tile or shake shingle or like-appearing material with overhangs. Subsidiary roofs not of the same material shall be similar in color to the predominate roof.
- (2) Trowel textured stucco facades are encouraged and shall suggest thick adobe walls with inset windows and doors. Use of horizontal or board and batten wood siding with authentic relief is also compatible with the design theme. Like-appearing, quality materials may also be used.
- (3) Wooden elements such as exposed posts and beams, trellises, French doors, arcades, and balustrades should be included.
- (4) Texture and off-whites or warm earth colors shall be used on large surfaces; shiny, slick materials or high contrast colors shall not be used.

### **d. Landscape.**

- (1) Street trees shall be provided. Where there is not adequate space for street trees, some alternative landscaping shall be provided such as flowering vines or planter boxes with flowers.
- (2) Traditional courtyard landscaping incorporating a formal axis with a central feature,

earth tone tile or tile-like paving, low spreading trees and flowering vines and shrubs to give privacy to surrounding residences are strongly encouraged.

e. **Live-Work and Custom Light Manufacturing Uses.**

Live-work and custom light manufacturing uses west of O'Neil Avenue shall be deemed to conform with this district if landscaping, siting, and building masses are compatible with a multifamily residential street. A conditional use permit assuring compatible operating characteristics is required.

f. **Vehicle Dealerships.**

- (1) Vehicular access shall be provided from Dollar Street or Torrano Avenue rather than from Mission Boulevard wherever feasible.
- (2) Landscape buffers shall be provided along any property line abutting residential use.
- (3) Exterior lighting shall be shielded from adjacent residences; exterior public address systems are prohibited.
- (4) New car dealerships may make improvements conforming to the design theme of the district even if their zoning ceases to be General Commercial.

## **SEC. 10-1.2620 COTTAGE SPECIAL DESIGN DISTRICT (SD-3).**

- a. **Design Theme.** This overlay district allows an historic pattern of small lot, single-family cottage development near town and transit which would otherwise be precluded by contemporary lot size, front setback, and parking requirements. Cottage development may utilize lesser lot sizes and parking requirements therein; other development may utilize lesser lot sizes and parking requirements of the underlying district and respect the context of small-scale residential development in design and siting.

b. **Parameters of Cottage Development.**

- (1) A cottage should not exceed 1200 square feet of living space or have more than 900 square feet on one floor.
- (2) Maximum Building Height: 28 feet.
- (3) Minimum Lot Size: 2800 square feet.
- (4) Minimum Lot Width: 35 feet.
- (5) Minimum Front Setback: 10 feet, unless nearest cottage on same street has less.
- (6) Minimum Side Setback: 5 feet.
- (7) Minimum Rear Setback: 20 feet.

c. **Driveways and Parking.**

The Cottage District development pattern was established before cars, and suits households with one or no motor vehicles. One off-street parking placed per cottage is required; a single-car garage in a raised basement or back yard, or nearby leased parking, may be appropriate depending upon site circumstance. Driveways should generally be limited to a 10-feet and in no case exceed 30 percent of the lot width. Double-car garages in the front street elevation are prohibited.

d. **Fences and Street Lighting.**

Front fences should be white picket fences; walls across the front of the lot and chain link fences are prohibited. A lantern style pedestrian light near sidewalk at front entry walk shall be provided.

e. **Architecture.**

Typical pioneer cottages have a medium pitch hip or gable roofs; double-hung, vertical windows, symmetrically arranged; wide horizontal wood siding; front porches across all or most of the front elevation with decorative wood post and balustrade; exterior steps ascending from raised basement level and white picket fences. Later Victorian cottages with more decorative elements and still later Craftsman cottages have related rooflines, materials, and orientation to the street. New cottage development should continue themes of horizontal wood siding, hip or gable rooflines of medium pitch, and front entry porch that is expansive relative to the size of the cottage.

## SEC. 104.2700 GENERAL REGULATIONS

### Sections:

Section 10-1 .2705 Purpose.

Section 10-1.2710 Certain Uses Not Permitted.

Cemeteries.

Section 10-1 .2715 Certain Uses Permitted.

- a. Governmental Agencies and Public Utilities.
- b. Telecommunication Facilities.
- c. Temporary Construction Facilities.
- d. Temporary Uses.
- e. Sale of Produce and Flowers.

Section 10-1 .2720 Special Lot Requirements.

Section 10-1 .2725 Special Yard Requirements.

Section 10-1 .2730 Special Height Limit Requirements.

Section 10-1 .2735 Special Standards and Conditions for Certain Uses and Activities.

- a. Adult Entertainment Activity.
- b. Alcoholic Beverage Outlets.
- c. Catering Trucks.
- d. Christmas Tree and Pumpkin Patch Lots.
- e. Garage sales.
- f. Livestock and Household Pets.
- g. Manufactured Housing.
- h. Outdoor Gatherings.
- i. Private Streets.
- j. Recycling Facilities.
- k. Vehicle Parking and Storage.

### **SEC. 10-1.2705 PURPOSE.**

These general regulations apply to all districts and to all uses permitted in the districts. The provisions are intended to **amplify** and to supplement district regulations. In the event of conflict with the specific district regulations, whichever regulations are more restrictive shall apply, unless otherwise determined by the Planning Director.

### **SEC. 10-1.2710 CERTAIN USES NOT PERMITTED.**

Cemeteries. The use of property for cemeteries, memorial parks, mausoleums, crematoriums, columbariums, or other places for the burial or other deposit of human dead is not such a use as is permitted under the provisions of this ordinance, provided, however, that any property which on the effective date of this ordinance was being used or held for use for any one or more of the purposes mentioned herein, or any property annexed to the City of Hayward subsequent to said date, which at the date of annexation, is being used or held for use for any one or more of such purposes, may be continued to be used for such purposes .

**SEC. 10-1.2715 CERTAIN USES PERMITTED.****a. Governmental Agencies and Public Utilities.**

The provisions hereof shall not apply to towers, poles, lines, pipelines, canals and similar distribution and transmission facilities maintained by a governmental agency, or by a public utility in accordance with applicable regulations of the Public Utilities Commission of the State of California within rights-of way, easements, franchises, or ownerships of such governmental agencies or public utilities, with the exception of cellular telephone transmission towers which shall comply with the provisions of Chapter 10, Article 13 of the Hayward Municipal Code.

**b. Telecommunication Facilities.**

Telecommunications facilities are allowed subject to the requirements of this ordinance and those contained in Article 13, of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance.

**c. Temporary Construction Facilities.**

The use of land for offices, sheds, construction trailers, sleeping quarters for security personal, structures and storage in connection with ongoing construction work for commercial, industrial and multi-family residential development, and single-family subdivisions as approved by the Planning Director.

**d. Temporary Use.**

A "Temporary Use" may be permitted in specified zoning districts, subject to a 12-month maximum time limit, and subject to issuance of an Administrative Use Permit. Two one-year extensions may be considered, subject to Planning Director approval and applicable notification procedures.

**e. Sale of Produce and Flowers.**

**Only** produce and flowers raised on the premises may be displayed or sold as an accessory use, provided displays or sales are not conducted from a motor vehicle, or from a structure or stand exceeding 300 square feet in area.

**SEC. 10-1.2720 SPECIAL LOT REQUIREMENTS.**

No parcel of land shall hereafter be reduced or divided so as to provide less than the minimum lot size or dimensions required in the district in which such land is situated unless otherwise authorized by provisions of this ordinance and/or the Subdivision Regulations.

**a. Minimum Lot Frontage.**

- (1) Except as provided herein, each lot shall have a minimum frontage of 35 feet.
- (2) In the case of a flag lot(s) that has been approved in accordance with the provisions of the Chapter 10, Article 3, of the **Hayward** Municipal Code (Subdivision Ordinance), minimum frontage requirements may be reduced as follows:
  - (a) frontage for one lot shall be 22 feet, with access via a 16-foot-wide strip of land that provides for a 12-foot-wide paved travelway;
  - (b) frontage for two or more lots shall be 28 feet, with access via a 24-foot-wide strip of land that provides for an 18-foot-wide paved travelway.
- (3) As determined by the Planning Director or other approval authority, where feasible, adjoining flag lots may share a common access so long as the above standards are

met.

b. **Lot Size Exception for Certain Substandard Lots.**

(1) Any lot or parcel less than the minimum lot size or dimensions required may nevertheless be used as a building site if the lot or parcel was shown of record by the County Recorder as a lawfully created separate lot or parcel on the date the lot became substandard. In addition, either of the following circumstances must exist:

- (a) The lot or parcel is not less than 80 percent of the size and average lot width requirements of the zoning district; or
- (b) The lot or parcel is less than 80 percent of the size and average lot width requirements of the zoning district and there was no land abutting the lot or parcel under the same ownership on the date the lot became substandard.

c. **Lot Size Exception for Lots Made Substandard by Official Plan Line.**

Any lot or parcel made sub-standard in size or average lot width by an official plan line shall be deemed to comply with minimum requirements of area or average lot width required herein.

d. **Lot Size Exception for Lots Made Substandard by Rezoning from Agricultural District to Agricultural Combining Districts.**

Any lot or parcel made substandard in size or average lot width by a rezoning from an A (Agricultural) District to an AB (Agricultural Combining) District shall be deemed to comply with minimum requirements of area or average lot width required herein.

**SEC. 10-1.2725 SPECIAL YARD REQUIREMENTS.**

Except as herein provided, every required yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this ordinance.

a. **Yards Measured from Official Plan Line.**

Wherever an official plan line has been established for any street or future right-of-way, required yards shall be measured from such line.

b. **Yard Calculations.**

Open area required for one building, lot, or use shall not be calculated as required open area or yard for any other building, lot or use. Except where part of an approved development plan, or authorized by other regulation herein or the Planning Director, no structure shall be located in a required yard area.

c. **Yards on Dual Frontage Lots.**

Where the front and rear of a lot both have street frontage on approximately parallel streets, no above-ground structure shall be located closer to either street than the distance constituting the required front yard, except on those parcels where street access is restricted by regulations of a public authority, in which case building additions (not accessory structures) may be located within the yard where street access is restricted subject to requirements for rear yards.

**d. Yard Exceptions - Garages on Slopes.**

- (1) Wherever the difference in elevation exceeds five feet between the front property line and:
  - (a) the elevation of the existing or planned street grade, or
  - (b) the elevation at the rear line of a front yard, or
- (2) Wherever the difference in elevation exceeds two and one-half feet between the side street property line and the rear line of a side street yard, the horizontal distance from any garage or parking space in no case shall be less than 5 feet from the property line or an official plan line. This exception shall not apply on those streets where no on-street parking is permitted along the lot frontage unless a minimum of two additional spaces are provided on site in conformance with all required yard and design requirements.

**e. Yard Exceptions - Overhangs, Stairways, Chimneys, Open Porches and Architectural Features.**

Architectural features such as cornices, eaves, open porches, bay windows, and canopies may extend 2 feet into any required side yard and may extend 5 feet into any required front or rear yard. Chimneys, landing places, or outside open stairways may project 3 feet into any required yard.

**f. Yard Exceptions - Vision Clearance.**

On a lot situated at the intersection of two or more streets, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to be in violation of Ordinance No. 100 C.S., as amended, Hayward Traffic Code, Sections 9.01 through 9.05, relating to Obstructions to Visibility at Intersections Prohibited, as the same are now in effect or which may hereafter be amended or replaced.

**g. Yard Exceptions - Fences, Hedges, Walls.**

- (1) Fence Height.
  - (a) In all O, A, FP, RNP, and RS Districts, fences, hedges, and walls may be constructed to a height of six feet in any side or rear yard, and to a height of four feet in any portion of a front or side street yard, except that where the rear or side yard is contiguous to commercially or industrially developed or zoned land, freeway, flood control channels, or arterial street, a maximum eight-foot-high fence or wall may be permitted. For the RS District, an eight-foot-high fence or wall may be permitted adjacent to any non-residential zoning District.
  - (b) Fences, hedges, and walls on through lots shall be limited to a height of 4 feet in any portion of the front yards unless determined by the Planning Director that up to a height of 6 feet would not compromise the safety of motorists and pedestrians nor the aesthetic value of the streetscape.
  - (c) Fences or walls required to surround and enclose public utility installations are not limited as to height in any district.
  - (d) In all multi-family, commercial, or central city districts, no fence or wall shall be located in any required front or side street yard except as part of an approved development plan or if approved by the Planning Director.

**h. Yard Exceptions - Accessory Buildings and Uses.**

- (1) In conjunction with single-family development located on parcels zoned for same, and in zoning districts where single-family homes are permitted:

- (a) Accessory buildings not used for parking and not exceeding 14 feet in height and 120 square feet in area and detached from the main buildings, when located in area other than the required front yard (i.e., in side or rear yard area), shall be placed no closer than 3 feet from the side and rear property lines.
  - (b) Accessory buildings or carports exceeding 120 square feet in area or open parking spaces shall be located no closer than 5 feet from the side and rear property lines.,
  - (c) Accessory building(s), garage(s), and one-story home additions may not cumulatively occupy more than 40% lot coverage of a required rear yard.
- (2) For legal, conforming residences in other districts, setbacks for accessory buildings when located between the rear of the main building and the rear lot line may be placed 5 feet from the side and rear property lines or within the building envelope; and when located between primary structures and the right-of-way, all front and side yard setbacks shall be met.

i. **Yard Exceptions - Narrow Lots.**

A required side yard may be reduced to three feet adjacent to an access driveway installed in conjunction with a multi-family development where the parcel is less than 51 feet in width.

j. **Special Yards - Structures on Same Lot.**

In R, A, and CO Districts, no primary structure shall be located less than 10 feet from another primary structure nor located less than eight feet from an accessory structure, except that an accessory structure may be 6 feet from a single-family dwelling.

k. **Special Yards - Lots with Approved Private or Easement Access.**

The required minimum yards for a lot which has indirect access via an approved private access or an easement to a public street shall be the same as that required for a lot which has direct access onto a public street.

l. **Special Yards - One-Story Additions, Single-Family Dwellings.**

Reduction of the rear yard to 10 feet for one-story additions to single-family dwellings is permitted provided the required rear yard is not reduced by more than 20 percent and provided the cumulative coverage of the required rear yard does not exceed 40%.

m. **Special Yards - Flag Poles, Towers, Antennas, Satellite Earth Stations.**

- (1) Flag poles, less than 25 feet in height, may be located in any yard of any district but in no case shall they be located closer than five feet to a property line.
- (2) Radio and television antennas and other wireless telecommunications facilities shall comply with the requirements of this ordinance and Article 13, Chapter 10 of the Hayward Municipal Code.

n. **Special Yards - Swimming Pools, Hot Tubs, Spas.**

In any R, residential PD, A, or CO District, swimming pools, hot tubs, and spas may be located in any yard other than the required front or side street yard, provided that no wall line of a pool shall be closer than 5 feet from any building on an abutting lot, nor closer than 5 feet from any property line.

**o. Special Yards - Decks.**

In conjunction with a single-family dwelling in any R District:

- (1) Decks less than 30 inches in height may be located in any rear or side yard but no closer than three feet to the rear or side property line.
- (2) Decks located in the front or side street yards shall not exceed 12 inches in height unless approved by the Planning Director or other approval authority.
- (3) Decks 30 inches or more shall conform to normal yard requirements.

**p. Front Yards - Driveway Width and Coverage.**

- (1) Driveway width, regardless of the number of driveways, shall not exceed 20 feet in front of the garage. In addition, for access to a recreational vehicle storage area adjacent to a dwelling, a maximum 10-foot-wide driveway may be located on the opposite side of the lot from the garage, and outside the required side yard.
- (2) For lots 70 or more feet in width, the Planning Director may approve a greater driveway width if the Planning Director determines the design of the driveway is aesthetically pleasing and compatible with the lot terrain and adjacent development, and will not create a pedestrian or vehicular hazard. For single-family homes, the total paved surface for vehicle parking, storage, and access in required front yard shall not exceed 50%.
- (3) For single-family homes, a curved driveway ("Hollywood driveway") is permitted on lots that are 100 feet or more in width, and where item #(3) above is met.

**SEC. 10-1.2730 SPECIAL HEIGHT REQUIREMENTS.**

**a. Height - Airport.**

Height provisions of airport or air approach regulations shall govern when in conflict herewith or in absence of provisions for such height regulation herein.

**b. Height - Exceptions.**

- (1) Chimneys, cupolas, flagpoles, elevator shafts, radio and television towers, wind machines, and similar mechanical or architectural appurtenances, if attached to a building shall not exceed a height of 15 feet unless authorized by the Planning Director or other approval authority for two-story dwellings or dwellings located on hillsides. If not attached to a building, they shall not exceed 25 feet in height unless authorized by the Planning Director or other approval authority.
- (2) Church steeples may be exempted from the height requirements as long as the steeples are in scale with the design of the church/religious facility and surroundings, as determined by the Planning Director or other approval authority.

**c. Height - Accessory Building.**

Unless otherwise specified in the District Regulations, an accessory building shall not exceed one story in height

**SEC. 10-1.2735 SPECIAL STANDARDS AND CONDITIONS FOR CERTAIN USES.**

Special standards and conditions as set forth below are applicable to uses enumerated in this Section and listed in the individual districts. Departure or variation from these standards is permitted only when it can be established by the applicant that the intent and purpose of the district or the necessary findings for permit approval, as specified in this ordinance, are not compromised. Where warranted by ordinance regulations or to implement official City policy, standards of development may be required

that exceed those listed in this Section.

a. **Adult Entertainment Activity Regulations.**

(1) **Purpose.**

In adopting these regulations it is recognized that certain types of adult entertainment activities possess objectionable operational characteristics which, when concentrated, have a deleterious effect upon adjacent areas. It is also recognized that locating adult entertainment activities in the vicinity of facilities frequented by minors will cause the exposure of adult material to minors who, because of their immaturity, may be adversely affected by them. Special regulations of sex-oriented, adult entertainment businesses is necessary to insure that adverse effects will neither contribute to the blighting or downgrading of surrounding neighborhoods nor have an adverse effect on minors.

(2) **Definitions.**

For the purpose of these regulations, certain terms and words shall have the following meanings:

- (a) **Adult Entertainment Activity.** An activity which is characterized by an emphasis on depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." Said term includes, by way of illustration only, the following:
  - (i) **Adult Arcade.** An establishment where one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas.
  - (ii) **Adult Bookstore.** An establishment having as a substantial or significant portion of its stock-in-trade, and offers for sale one or more of the following: books, magazines, and other periodicals which are substantially devoted to the depiction of "specified sexual activities" or "specified anatomical areas."
  - (iii) **Adult Gift Store.** An establishment having as a substantial or significant portion of its stock in trade, and offers for sale one or more of the following: instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" (i.e., "adult gifts.")
  - (iv) **Adult Motion Picture Theater.** An enclosed building used for presenting material in the form of motion picture film, video tape or other similar means, and in which a substantial portion of the total presentation time is devoted to the depiction of "specified sexual activities" or "specified anatomical areas" for observation by persons therein.
  - (v) **Adult Theater.** A theater, concert hall, auditorium or similar establishment in which a substantial portion of the total presentation time is devoted to live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
  - (vi) **Sexual Encounter Establishment.** An establishment which provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy.

(b) Specified Sexual Activities. This term shall be used herein to mean:

- (i) Human genitals in a state of sexual stimulation or arousal;
- (ii) Acts of human masturbation, sexual intercourse or sodomy;
- (iii) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(c) Specified Anatomical Areas. This term shall be used herein to mean:

- (i). Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- (ii) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) Location.

No person shall place, maintain, own or operate any adult entertainment activity, as herein defined, in the following locations:

- (a) Within 500 feet of any parcel of real property zoned primarily for residential use;  
or
- (b) Within 500 feet of any parcel of real property on which is located any of the following facilities:
  - (i) A school primarily attended by minors;
  - (ii) A church-which conducts religious education classes for minors;
  - (iii) A public park, playground or other recreational facility;
  - (iv) A museum;
  - (v) A library.
- (c) Within 500 feet of any other adult entertainment activity as herein defined.

(4) Public Display of Certain Matter Prohibited.

No person shall place, maintain, display or exhibit any material in a manner which exposes to public view photographs or illustrations of "specified sexual activities" or of poses which emphasize or direct the viewer's attention to "specified anatomical areas." As used herein, "exposes to public view" means exposes to the view of persons outside the building in which said material is placed, maintained or displayed.

(5) Discontinuance of Nonconforming Activities.

No later than September 19, 1980, all adult entertainment activities made nonconforming by reason of the provisions hereof, except those activities rendered nonconforming because of being within 500 feet of any other adult entertainment activity, shall be discontinued or shall be brought into full conformance with the provisions hereof, except that such activities may be allowed to continue for an additional period upon the approval of a variance with the finding that the activity is obligated by written lease entered into before the effective date of this section for a period exceeding two years from such effective date, or that the activity involves investment of money in leasehold or improvements of such that a longer period is necessary to prevent undue financial hardship.

b. **Alcoholic Beverage Outlet Regulations.**

(1) Purpose.

- (a) In adopting these regulations, it is recognized that the proliferation of establishments selling alcoholic beverages within the City of Hayward presents problems which affect residents, businesses, property owners, visitors, and workers of Hayward.

- (b) Problems which can result include, but are not limited to: crime, littering, loitering, public intoxication, disturbance of the peace, discouragement of more desirable and needed commercial uses, and other similar problems connected primarily with the regular congregation of persons around establishments engaged in the sale of alcoholic beverages for consumption on or off the premises.
  - (c) It is also recognized that existence of such problems creates a serious impact on the peace, health, safety and welfare of residents of nearby areas including fear for the safety of children and visitors to the area, as well as contributing to the deterioration of neighborhoods and concomitant devaluation of property and destruction of community values and quality of life.
  - (d) These regulations are intended to ameliorate the types of problems identified above by restricting the location of establishments selling alcoholic beverages in relation to one another and their proximity to facilities primarily devoted to use by children and families with children..
  - (e) The use permit process is a means to review the effects of establishments selling alcoholic beverages on neighboring uses on a case by case basis, and to prevent the undue concentration of and undesirable impacts on the community stemming from such uses by the imposition of reasonable conditions upon the operation of such uses.
- (2) Definitions.
- For the purpose of these regulations, certain terms and words shall have the following meaning:
- (a) Establishment. 'Establishment' shall mean either an on-sale or off-sale liquor establishment.
    - (i) 'On-sale liquor establishment' shall mean any business wherein alcoholic beverages are sold on the premises and are to be consumed on the premises including, but not limited to, any business which has obtained or intends to obtain a California Department of Alcoholic Beverage Control License type 40, 41, 42, 47, 48, 61, or 63. This shall also include any facility, inclusive of a portion thereof, which is rented out for special event functions wherein alcoholic beverages are sold or given away on the premises and are to be consumed on the premises.
    - (ii) 'Off-sale liquor establishment' shall mean any business that sells alcoholic beverages in original, unopened packages for consumption off of the premises where sold including, but not limited to, any facility which has obtained or intends to obtain a California Department of Alcoholic Beverage Control License type 20 or 21.
  - (b) Bona Fide Restaurant. 'Bona fide restaurant' shall mean a place which is regularly used and kept open for the primary purpose of serving meals to guests for compensation and does not have a bar, cocktail lounge, or other area designated primarily for the service of alcohol on the premises, and which is further outlined in section 23038 of the State of California Alcoholic Beverage Control Act, and which maintains a minimum of 51 percent of its gross receipts from the sale of meals. For the purpose of verifying compliance with the foregoing sales requirement, the sales receipts, accounting ledgers, and any other business records pertaining to the sales of food and alcohol shall be open for inspection by the Chief of Police or his or her designee during regular business hours of the restaurant upon 72 hours' prior written notice.

- (c) Night Club. 'Night club' shall mean any establishment which engages in the sale of alcoholic beverages in conjunction with providing live entertainment (including the playing of recorded music by a disc jockey) or dancing between the hours of 6:00 p.m. to 2:00 a.m. regardless of whether such establishment is simultaneously offering full restaurant meal service.
- (3) Conditional Use Permit for New Establishments.  
 Except as otherwise provided herein, no new on-sale or off-sale liquor establishment may sell alcoholic beverages for either on-site or off-site consumption unless a conditional use permit has been approved for such establishment. A conditional use permit shall not be required if the establishment is one of the following:
- (a) Retail stores having 10,000 square feet or more of floor area and which devote not more than 5 percent of such floor area to the sale, display, and storage of alcoholic beverages;
  - (b) Bona fide restaurants excluding such restaurants that operate as night clubs; or
  - (c) Special event functions such as neighborhood or community festivals, provided all of the following criteria are met:
    - (i) The person, group, business, or organization sponsoring the event secures all applicable permits from the City of Hayward;
    - (ii) The person, group, business, or organization sponsoring the event obtains a temporary on-sale license from the State of California Department of Alcohol Beverage Control for each of the dates the event will be held; and
    - (iii) The duration of the event does not exceed three consecutive days or five days in any single calendar year.
- (4) Posting of Conditions of Approval.  
 A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.
- (5) Findings.
- (a) In making the findings required by Section 10-1.3225 governing conditional use permits, the Planning Commission, or the City Council on referral or appeal, shall consider whether the proposed use will result in an undue concentration in the area of establishments dispensing alcoholic beverages.
  - (b) The Planning Commission, or City Council on referral or appeal, shall also consider whether the proposed use will detrimentally affect the surrounding neighborhood after giving consideration to the distance of the proposed use from the following: Residential structures, churches, schools, public playgrounds and parks, recreation centers, and other similar uses.
- (6) Application For Conditional Use Permit.  
 In addition to the requirements set forth in Section 10-1.2815 and any other applicable City regulation, an application for a conditional use permit shall set forth and include the following:
- (a) The type of Alcoholic Beverage Control license the applicant is seeking for the establishment;
  - (b) The true and complete name and address of each lender or share holder with a 5 percent or more financial interest in the proposed business or any other person to whom a share or percentage of the income of the establishment is to be paid; and
  - (c) A statement by the applicant indicating whether or not such applicant has at any time been convicted of any crime other than minor traffic offenses and, if so, the nature of the crime for which the applicant was convicted and the date and

jurisdiction of the conviction.

(7) Requirements For New On-Sale Liquor Establishments.

- (a) No new on-sale liquor establishments shall be permitted within a radius of 500 feet of any other on-sale or off-sale liquor establishment (with the exception of new or existing establishments which are exempted by subsection (3) above), or of any school, public park, library, playground, recreational center, day care center, or other similar use.
- (b) Notwithstanding the above:
  - (i) Outside of the Central City Zoning District, the Planning Commission may recommend to the City Council a lesser alternative distance requirement in a particular instance, if the following is found: that the public convenience and necessity will be served by an alternate space requirement and that alternative measures to assure public health and safety are provided with respect to sale and use of alcoholic beverages;
  - (ii) Within the Central City Zoning District no on-sale liquor establishment shall be established or maintained within a radius of 100 feet of any off-sale liquor establishment (with the exception of new or existing establishments which are exempted by subsection (3) above), or of any school, public park, library, playground, recreational center, day care center, or other similar use; and
  - (iii) Within the Central City Zoning District, no more than two on-sale liquor establishments shall be permitted per block side or face, with the exception of new or existing establishments which are exempted by subsection (3) above. Determination of location on a block side or block face shall be made by referring to the street address of the on-sale liquor establishment on a block between the two immediate cross streets.

(8) Requirements For New Off-Sale Liquor Establishments.

No new off-sale liquor establishments will be permitted within a radius of 500 feet of any other on-sale or off-sale liquor establishment (with the exception of new or existing establishments which are exempted by subsection (3) above), or of any school, public park, library, playground, recreation center, day care center, or other similar use.

(9) Conditions.

To implement official City policy and to attain the purpose for requiring use permit approval, as stated in Section 10-1.3205 and in subsection (1) above, as well as the findings listed in Section 10-1.3225, the Planning Commission, or the City Council on referral or appeal, may attach to approvals such conditions as it deems necessary. Violations of any of these conditions unless explicitly stated otherwise shall be independent grounds for permit revocation. These conditions may include, but are not limited to:

- (a) Commission by the permittee or any employee of the permittee of a criminal offense for which 1) the permitted establishment was the location where the offense was committed or where there is a direct correlation between the permittee's establishment and the criminal offense; and 2) Such criminal offense is found to be detrimental to the public health, safety, or general welfare.
- (b) Establishments shall provide exterior lighting which is adequate for the illumination and protection of the premises. Lighting shall be installed in such a manner that it does not shine into adjacent residential properties.
- (c) Establishments shall maintain trash and garbage storage areas that are enclosed by a solid fence or wall and screened from the view of abutting properties or the

public right of way.

- (d) Establishments with off-sale privileges shall prominently post a sign on the exterior of the premises stating that consumption of alcoholic beverages in public is prohibited by law pursuant to section 4-2.10 of the Hayward Municipal Code.
- (e) Establishments shall discourage patrons and visitors from loitering in public rights-of-way, parking areas, and in front of adjacent properties.

(10) Minimum Conditions for Establishments in the Central City District.

In addition to the minimum conditions for on-sale and off-sale liquor establishments outlined in subsections (7) and (8) above, the following conditions shall apply in the Central City District, the violation of any of which shall constitute independent grounds for permit revocation:

- (a) No beer or malt liquor shall be sold in bottles or containers larger than 12 ounces for off-site consumption;
- (b) Beer and malt liquor in containers of 12 ounces or less shall not be sold in units of less than one six-pack for off-site consumption;
- (c) Wine shall not be sold in bottles or containers smaller than 750 ml and wine coolers shall not be sold in containers smaller than 12 ounces and in units of less than one four-pack for off-site consumption;
- (d) Distilled spirits shall not be sold in bottles or containers smaller than 750 ml for off-site consumption; and
- (e) Consumption of alcoholic beverages shall not be permitted on any property adjacent to the licensed premises which is also under the control of the owner of the liquor establishment.

(11) Existing Establishments Selling Alcoholic Beverages.

Any establishment lawfully operating prior to the effective date of these regulations and licensed by the State of California for the retail sale of alcoholic beverages for on-site or off-site consumption may continue such operations after the effective date of this ordinance. Upon the occurrence of either of the following, however, operation of the establishment shall require approval of a conditional use permit:

- a. The establishment changes its type of liquor license within a license classification; or
- b. There is a substantial change in the mode or character of operation. As used herein, the phrase 'substantial change of mode or character of operation' shall include, but not be limited to, expansion in the amount of area devoted to the sales or consumption of alcoholic beverages, a transfer of ownership of the license, a pattern of conduct in violation of other laws or regulations, or a cessation of use for a period of six months or more as provided in Section 10-1.3225.

(12) Modifications in Permitted Establishments Selling Alcoholic Beverages.

Any permitted establishment operating under either a conditional or an administrative use permit after the effective date of these regulations shall apply for a modification of its use permit pursuant to Section 10-1.3260 et seq. of the Hayward Municipal Code when either of the following occurs:

- (a) The establishment changes its type of liquor license within a classification; or
- (b) There is a substantial change in the mode or character of operations of the establishment as defined in subsection (11) above.

(13) Notice.

In addition to the notice required by Section 10-1.2820, in the case of applications for conditional use permits or appeals of administrative use permits pursuant to this section, notice shall also be provided to occupants of buildings located on parcels

within 300 feet of the perimeter of the subject property for which use permit approval is sought.

**c. Catering Truck Standards.**

All catering truck operations shall comply with the following standards:

- (1) Catering trucks shall only park on private property with the permission of said property owner(s).
- (2) Catering trucks shall not park on any City streets, rights-of-way or property.
- (3) Catering trucks shall not be located on a single parcel more than 20 minutes at a time.
- (4) Catering trucks shall not be located within 300 yards of a food vendor as defined in this Ordinance.
- (5) Catering trucks shall not return to the same location within less than two hours.
- (6) Catering trucks shall obtain all necessary approvals for the County Health Department and City of Hayward Police Department.

**d. Christmas Tree and Pumpkin Patch Lot Regulations.**

All Christmas tree and pumpkin patch lots shall comply with the following standards:

- (1) Pumpkin Patch lots shall not be established before October 1 of each year and Christmas tree lots shall not be established before November 22 of each year. Annual permits must be obtained from the Fire Department and the Development Inspection Services Division.
- (2) Prior to opening for business, all Fire Department and Development Inspection Services Division permits shall be obtained. The lot shall be maintained and operated in compliance with all Fire Department and Development Inspection Services Division requirements.
- (3) No merchandise, equipment, vehicles, refuse, or other material associated with the proposed lot shall block circulation or parking aisles outside fenced areas .
- (4) No aspect of the proposed operation shall impede access to any public driveway, nor any parking areas required for the operation of surrounding uses.
- (5) All parking and loading must be done on the lot and not on any public street. Parking areas shall be surfaced to prevent mud or dust from being tracked onto the public right-of-way.
- (6) An electrical permit must be obtained prior to installation of any lighting.
- (7) Fencing around the premises shall be properly stabilized.
- (8) Signs shall be confined to the designated lot area only and must not obstruct vision of motorists.
- (9) If sawdust or other similar material is used to cover the lot, it shall be kept moist.
- (10) A minimum of one employee shall be on the premises at all times to insure compliance with the conditions of approval.
- (11) All trees or pumpkins, merchandise, debris, haw or sawdust and other evidence of the use must be removed within seven days after the Halloween or Christmas Holiday. To the maximum extent possible, all wood products must be recycled. While other recycling facilities may be used, it is preferred that all wood products such as trees, tree stands, and sawdust (but not including flock and tinsel) be recycled by drop-off at the City of Hayward Water Pollution Control Facility.
- (12) Notices must be conspicuously posted on the lot and distributed to customers at the point of sale providing information about the City of Hayward Christmas tree Recycling Program provided by the Office of Solid Waste Management.

e. **Garage Sales.**

Garage sales, also referred to as yard sales, shall not create a public nuisance as defined herein, and shall be limited to a maximum of four times per year per dwelling for single-family homes, and 4 times per year per development for multi-family areas.

f. **Livestock and Household Pets.**

(1) **General Maintenance.**

- (a) All livestock and household pets shall be kept or maintained so as not to constitute a public nuisance by causing production of flies, excessive odor, dust, noise, or other conditions detrimental to the community health and welfare.
- (b) All livestock and household pets shall be kept or maintained so as not to be detrimental to the welfare of the animal(s).

(2) **Livestock.**

- (a) Horses, cattle, sheep, goats and similar animals shall not be located on a lot less than 20,000 square feet in area, nor shall said animals be kept or maintained closer than 40 feet from any dwelling on the same or adjoining lot.
- (b) All livestock shall be kept or maintained within a suitable open area or stable, corral, paddock, shed or similar enclosure or structure which shall be located behind the principal structure (if any) on the lot.
- (c) Roosters and peacocks are prohibited.

(3) **Household Pets.**

- (a) A maximum of four household pets are permitted per dwelling unit. An "Animal Fancier's Permit" shall be obtained from the City Animal Control Officer for more than four household pets. Said permit may be issued in any applicable zoning district where household pets are listed as secondary uses, and shall only be issued by the Animal Control Officer if it is found that item (3) above is being met.

g. **Manufactured Housing Regulations.**

Manufactured housing to be installed on a lot shall have been constructed after July 1, 1976, and shall bear an insignia of approval under the National Mobile Home Construction and Safety Standards Act of 1974 and shall be erected in compliance with the following:

- (1) Shall be attached to a permanent foundation pursuant to Health and Safety Code Section 18551, and shall have all utility connections conform to all requirements of the City's Building, Plumbing, Electrical, and Mechanical Codes.
- (2) Shall be a minimum of 20 feet wide.
- (3) Shall have a roof constructed of asphaltic, wooden, glass fiber or tile materials.
- (4) Shall have wood, masonry or stucco siding which will extend to the ground (except when a solid masonry perimeter foundation is used, the siding need only extend to the top of the foundation).
- (5) Shall have an overhang or eave extending a minimum of 14 inches from the wall.
- (6) Shall be of a design which utilizes offsets and recesses in the exterior walls, similar to conventionally constructed housing, and have a floor height no more than 30 inches above the finished grade of the building pad.
- (7) Shall include a minimum 20 foot wide garage (interior dimension) or minimum 18-foot-wide carport, and/or landscaping where necessary to make the house compatible with surrounding residential development.
- (8) Shall conform with City of Hayward Design Guidelines and Hillside Design and Urban/Wildland Interface Guidelines.

h. **Outdoor Gatherings.**

- (1) **Permit Required.** No outdoor gathering of 275 or more people shall be held unless an administrative use permit has first been obtained.
- (2) **Outdoor Gathering.** Any assembly, music festival, carnival, show, circus, dance, exhibition, lecture, concert, rally, party, celebration, or similar event or activity which is:
  - (a) Open to the public or to which members of the public are invited or admitted either for a charge or free of cost; and
  - (b) Held out of doors or other than in a permanent structure that was constructed for the purpose of or constructed so that it can be used for conducting such event or activity; provided, however, that the incidental use of any patio, courtyard, deck, or other area adjacent to and outside a permanent structure (that is authorized as a permitted primary or conditional use) by participants at the event or activity shall be considered use of the permanent structure for the purposes of this provision.
- (3) **Application.** An application for an administrative use permit to hold an outdoor gathering shall be submitted to the Planning Director on a form provided for such purpose, setting forth the following:
  - (a) The location and legal owner of the premises on which the outdoor gathering is to be held;
  - (b) The number of people the applicant will admit to the outdoor gathering, his plans to limit admittance to the outdoor gathering to such number, and the date(s) and times during which the gathering is to be held;
  - (c) The applicant's plans, including facilities for the handicapped where physically feasible, for provisions of potable water, toilet facilities, solid waste disposal, and if required by the Health Officer of Alameda County, emergency medical treatment;
  - (d) The applicant's plans for provision of parking spaces, including spaces for the handicapped;
  - (e) The applicant's plans for illuminating the premises if any part of the gathering is to be held within one hour before sunset or after dark;
  - (f) A description of all sound amplification equipment the applicant plans to use and the intensity in decibels at the property line of the premises upon which the gathering is to be held; and
  - (g) The applicant's plans for provision of fire control devices and method of vehicular and pedestrian access to and from the gathering.
- (4) **Permit Issuance.** An administrative use permit for an outdoor gathering may be issued if the applicant shows that the following conditions have been met:
  - (a) The applicant is the owner of the premises on which the gathering is to be held or the owner of the premises has consented to the use of the premises for the outdoor gathering;
  - (b) The Chief of Police has approved the applicant's plans to limit attendance at the outdoor gathering to the number of people set forth in the application, maintain order, and assure compliance with all applicable laws and regulations, including but not limited to, the provisions of this ordinance and the conditions of the permit under which the outdoor gathering is held. The Chief of Police shall approve the applicant's security plans if one security guard, who may be a peace officer or other person acceptable to the Chief of Police, is provided for every 275 persons expected to attend the outdoor gathering and the sole responsibility of such guard(s) is to limit attendance at the outdoor gathering to the number of people set

forth in the permit, maintain order, and enforce all laws, regulations, and permit conditions;

- (c) The Health Officer of Alameda County has approved the applicant's plans, including facilities for the handicapped where physically feasible, for provisions of potable water, toilet facilities, solid waste disposal, and if required by the Health Officer, emergency medical treatment;
- (d) The Traffic Engineer has approved the applicant's plans for provisions of parking spaces, including provision for spaces for the handicapped where physically feasible. The Traffic Engineer shall approve the applicant's plans for the provision of parking if finds that parking spaces are provided for one of each four person the applicant will admit to the outdoor gathering, safe access to and from such parking spaces is provided, and such parking spaces will be graded, marked, and separated by a physical device from all pedestrians;
- (e) The Public Works Director has approved the applicant's plans for illuminating the premises upon which the outdoor gathering is planned if any part of the gathering is expected to occur within one hour before sunset or after dark. The Public Works Director shall approve illumination plans that provide for safe lighting equipment which illuminates at the following levels:
  - (i) Open areas to be used by attendees at 10-foot candle intensity;
  - (ii) Parking and pedestrian access areas at 5-foot candle intensity; and
  - (iii) Toilet facility areas at 50-foot candle intensity;
- (f) The Planning Director has approved the applicant's plans for any use of sound amplifying equipment. The Planning Director shall approve sound amplification plans that limit noise levels to no more than 60  $L_{dn}$  or CNEL (db) at the property line of the premises or is lawfully used for residential use or abuts property zoned or lawfully used for residential use and no more than 70  $L_{dn}$  or CNEL (db) at the property line of the premises upon which the gathering is to be held, if such premises is neither zoned nor used for residential use nor abuts property that is zoned or used for residential use; provided, however, that the Planning Director shall not approve any sound amplification plans that call for the use of sound amplification equipment between the hours of 10:00 p.m. and 6:00 a.m.; and
- (g) The Fire Chief has approved the applicant's plans for provisions for fire control devices and plan(s) for vehicular and pedestrian ingress and egress to the site, including emergency vehicles.

i. **Private Street Criteria.**

Approval of a private way as a private street (not part of a subdivision or other development project) for the purpose of establishing a street frontage for a lot shall be governed by the following:

- (1) Overall, minimum right-of-way shall be 25 feet per the City Standard Design Details, and paved access shall be not less than 10 feet in width for a one-way driveway and 12 feet in width for a two-way driveway. The access may be increased up to 24 feet in width and incorporate a turn-around area, as such is determined to be necessary, giving consideration to traffic volumes, location, land use, and other relevant factors.
- (2) The access strip shall be improved to public street standards. Such improvements shall be installed, or the installation shall be guaranteed to the satisfaction of the City, prior to issuance of a building permit for any use fronting on the private street.
- (3) In the instance that multiple lots are to be served by one private street, the following criteria shall apply:

- (a) Four or fewer lots require a minimum of a 20-foot wide paved private driveway.
- (b) Five or more lots require a minimum of a 25-foot wide paved private street.
- (c) Six or fewer lots may be served by a hammerhead.
- (d) Seven or more lots shall be served by a cul-de-sac.
- (4) The above requirements may be reduced after evaluating the following:
  - (a) Existing and estimated future volume of traffic.
  - (b) Existing, proposed, and potential development to be served by access.
  - (c) Adequacy of drainage facilities.
  - (d) Condition of roadway and provisions for maintenance.
  - (e) Suitability for emergency vehicle access and utility right-of-way.
  - (f) Alignment and grade.
  - (g) Need for off-street parking or pathway to serve adjacent uses.
- (5) Before approving a private street, the Planning Commission shall find that
  - (a) The private street is physically adequate to provide access for pedestrians and vehicles.
  - (b) There is a right, exclusive or non-exclusive, to use the private street on a permanent basis which is appurtenant to the subject lot(s).
  - (c) The private access will not conflict with the General Plan.
- (6) Requests for approval shall be considered by the Planning Commission which shall recommend approval, conditional approval, or denial. Upon review by the Commission, said request shall be then considered by the City Council which shall approve, conditionally approve, or deny said request. The action of City Council is **final**.

j. **Recycling Facilities for Redemption or Donation of Reusable Materials.**

The purpose of this section is to make redemption and recycling of reusable materials convenient to the consumer in order to reduce litter and increase the recycling of reusable materials in accordance with the 1986 California Beverage Container Recycling and Litter Reduction Act of 1986 (Pub. Res. Code § 14500, et seq.).

(1) **Definitions.**

- (a) **Recyclable Material:** Material including but not limited to metals, glass, plastic, and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material may include used motor oil collected and transported in accordance with sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.
- (b) **Recycling Facility:** A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:
- (c) **Collection Facility:** A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment except for reverse vending machines. Collection facilities may include the following:
  - (i) Reverse vending machine(s) occupying an area of less than 50 square feet;
  - (ii) Small collection facilities which occupy an area of not more than 500 square feet, and may include:

- aa. A mobile unit;
  - bb. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
  - cc. Kiosk-type units which may include permanent structures;
  - dd. Unattended containers placed for the donation of recyclable materials.
- (iii) Large collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.
- (d) Reverse Vending Machine(s):
- (i) An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.
  - (ii) A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.
- (e) Mobile Recycling Unit: An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable material.
- (2) Permit Issuance
- (a) Reverse vending machine(s) located within commercial buildings, or which are located upon commercial or industrial zoned property within a ½ mile radius of each supermarket which conducts \$2 million or more in sales a year, and meet the following criteria are primary uses and do not require permits by the City of Hayward.
    - (i) The reverse vending machine(s) is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986;
    - (ii) The reverse vending machine(s) is established in conjunction with a commercial use, community service facility, or industrial use provided the property is in compliance with the zoning, building and fire codes of the City of Hayward;
    - (iii) The reverse vending machine(s) does not obstruct pedestrian or vehicular circulation, including the pathway required for the handicapped access;
    - (iv) The reverse vending machine(s) does not occupy parking spaces required by the primary use;
    - (v) The reverse vending machine(s) does not occupy more than 50 square feet of floor space per installation, including any protective enclosure, and is no more than 8 feet in height;
    - (vi) The reverse vending machine(s) is constructed and maintained with durable waterproof and rustproof material;
    - (vii) The reverse vending machine(s) is clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
    - (viii) The reverse vending machine(s) has a sign area of no more than four square feet per type of machine, exclusive of operating instructions;

- (ix) The reverse vending machine(s) is maintained in a clean, litter-free condition on a daily basis;
  - (x) The operating hours are at least the operating hours of the host use;
  - (xi) The area is illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;
  - (xii) The reverse vending machine(s) is not located on a parcel already containing a recycling facility which collects the same type of material, unless waived by the Planning Director due to the size of the property.
- (b) An administrative use permit for small collection facilities located in commercial or industrial areas within a ½ mile radius of each supermarket which conducts \$2 million or more in sales a year, shall be issued if the applicant shows that the following conditions have been met:
- (i) The small collection facility shall be established in conjunction with an existing commercial use, community service facility, or industrial use which is in compliance with the zoning, building, and fire codes of the City of Hayward;
  - (ii) The small collection facility shall be no greater than 500 square feet and occupy no more than five parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
  - (iii) The small collection facility shall be set back at least 10 feet from any property line and shall not obstruct pedestrian or vehicular circulation;
  - (iv) The small collection facility shall accept only glass, metals, plastic containers, papers and reusable items, not including motor oil;
  - (v) The small collection facility shall use no power-driven processing equipment except for reverse vending machines;
  - (vi) The small collection facility shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected, and a collection schedule shall be posted;
  - (vii) All recyclable materials shall be stored in containers or in the mobile unit vehicle, and materials shall not be left outside of containers when attendant is not present;
  - (viii) The small collection facility shall be maintained free of litter and any other undesirable materials, and the area about the machines shall be swept and cleared each day. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
  - (ix) The small collection facility shall not exceed noise levels of 60 DBA as measured at the property line of residentially zoned or occupied property, other sites shall not exceed 70 DBA;
  - (x) Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;
  - (xi) Containers for the 24-hour donation of materials shall be at least 50 feet from any property zoned or occupied for residential use unless waived by the Planning Director;
  - (xii) Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
  - (xiii) Signs may be provided as follows:

- aa. Recycling facilities may have identification signs with a maximum of 20 percent per side or 16 square feet, whichever is larger, in addition to informational signs required in Section (xii) above; in the case of a wheeled facility, the side will be measured from the pavement to the top of the container;
- bb. Signs must be consistent with the character of the location;
- cc. Directional signs, bearing no advertising message, may be installed with the approval of the Planning Director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way as determined by the Planning Director;
- dd. The Planning Director may authorize increases in the number and size of signs upon finding that it is compatible with adjacent businesses;
- (xiv) The small collection facility shall not impair the landscaping required by the City for any concurrent use;
- (xv) No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space shall be provided for the attendant, if needed;
- (xvi) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
- (xvii) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
  - aa. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
  - bb. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;
  - cc. The permit shall be reconsidered at the end of 18 months;
  - dd. A reduction in available parking spaces in an established parking facility may then be allowed as follows:

- ◆ For a commercial or industrial host use:

<u>No. of Available Parking Spaces</u>	<u>Maximum Reduction</u>
0-25	0
26-35	2
36-49	3
50-99	4
100+	5

- ◆ For a community facility host use:

A maximum of five spaces reduction will be allowed when not in conflict with parking needs of the host use.

- (xviii) The area is illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;
- (xix) If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration.

k. **Vehicle Parking, Repair, Display, and Storage Requirements.**

The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum gross weight limit of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, special interest vehicle, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for sleeping purposes shall be prohibited except within an approved mobile home park.

(1) **Single-Family Residential Uses.**

(a) **Parking and Storage in Front Yards.** Vehicles shall be parked in the required front yard only on the paved driveway which provides direct access to the garage from a public street or an approved private street, perpendicular to the street, or on a curved driveway.

(b) **Parking or Storage in Other Than Front Yards.**

Parking or storage of vehicles in areas other than the front yard is permitted subject to the following requirements:

- (i) No vehicle shall be parked or stored in a required side yard or side-street yard with the following exceptions: recreational vehicles that are not self-propelled, and are less than 6 feet in height, such as a boat, compact trailer tent or similar recreational vehicle can be stored in a required side yard if screened from view from the street by a 6 foot high solid fence.
- (ii) Parking or vehicle storage areas shall be paved with asphaltic or Portland Cement concrete and conform to City standards. A secondary driveway which provides access to a recreational vehicle storage area may be constructed with concrete, asphalt, or rock or concrete wheel tracks.
- (iii) Open parking or vehicle storage areas located on lots less than 10,000 square feet in, area shall not exceed 500 square feet in area (700 square feet for lots 10,000 feet or larger).
- (iv) Open or covered parking areas, and garages or carports exceeding 120 square feet in area, shall be located no less than 5 feet from the side or rear property line and shall conform to all other requirements of the Zoning Ordinance and Building Code.

(2) **Multi-Family Residential Uses - Prohibited Vehicles.**

Parking or storage of truck tractors or vehicles that are not self-propelled (trailers, boats mounted on trailers, and other vehicles or equipment of similar kind and use) are prohibited except within designated storage areas approved as part of the site plan review, use permit, planned development or building permit.

(3) **Display and Sale of Motor Vehicles.** Display for sale of one motor vehicle, boat, trailer, motorhome, or other vehicle is permitted as an accessory residential use, provided said vehicle is registered to a person who currently resides on the property. Display for sale of any vehicle on any property not approved for such use is unlawful, and legal action may be taken against the vehicle owner, property owner, or both.

(4) **Vehicle and Boat Repair.** It shall be unlawful and a public nuisance for any person to engage in, or any property owner to allow to occur, vehicle or boat repair in any residential zone:

- (a) Upon any vehicle which is not registered to a current occupant of the premises where the work is being performed; or
- (b) Upon more than two (2) vehicles at one time on the same premises or by the same

- person; or
- (c) **Outside** a fully enclosed structure for uses defined as major automobile repair as defined in Section 10-1 .000 of this Ordinance. Minor automobile repair may be performed outside a fully enclosed structure where elapsed time between the beginning and end of the repair does not exceed forty-eight (48) hours. Vehicle painting, other than spot painting, shall not be permitted in residential zones.

**SEC. 10-1.2800 ADMINISTRATION AND ENFORCEMENT**

## Sections:

- Section 10-1.2805 Administration and Enforcement Officer.
- Section 10-1.2810 Zoning Compliance.
- Section 10-1.2815 Application.
- Section 10-1.2820 Notice.
- Section 10-1.2825 Decisions, Public Hearings and Effective Dates.
- Section 10-1.2830 Conformance- Administrative Modification.
- Section 10-1.2835 District Uses Not Specified.
- Section 10-1.2840 Administrative Referral.
- Section 10-1.2845 Appeal and Review Process.
- Section 10-1.2850 Violations and Penalties.

**SEC. 10-1.2805 ADMINISTRATION AND ENFORCEMENT OFFICER - DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT/PLANNING DIRECTOR.**

The Director of Community and Economic Development/Planning Director shall have the duty and authority to administer and enforce this Ordinance. The words "Planning Director" shall mean the Director of Community and Economic Development/Planning Director, and shall include the Director of Community and Economic Development/Planning Director's designee(s) as well.

**SEC. 10-1.2810 ZONING COMPLIANCE.**

- a. No structure may be erected, maintained, moved, expanded, or structurally altered, nor may any use be established without approval by the Planning Director, pursuant to the provisions of this ordinance.
- b. Verification of zoning compliance is required for any new structure, the enlargement or alteration of an existing structure, and any change in the use or occupancy of land. Verification of zoning compliance must be officially noted on required licenses and permits by the Planning Director and is subject to all applicable provisions of this ordinance, including conditions of approval through use permit, variance, site plan review and similar procedures.
- c. Verification of zoning compliance is void when the approved permit or license lapses or is found by the City or a court of competent jurisdiction to have been obtained by fraud or to have been issued in error.
- d. All applications for building permits requiring zoning approval must be accompanied by a plot plan drawn to scale, showing:
  - (1) Lot shape and dimensions
  - (2) Dimensions and location of existing structures
  - (3) Dimensions and location of proposed structures and additions
  - (4) Existing and proposed uses of structures and land
  - (5) Number of dwelling units in proposed and existing structures
  - (6) Other features necessary to determine conformance with, and to provide for, the enforcement of this ordinance

- e. Prior to authorization for occupancy, including authorization for gas or electric meter service, City officials shall ensure that the use, arrangement, construction, and improvements are in accordance with plans approved through the verification of zoning compliance procedures.

#### **SEC. 10-1.2815 APPLICATION.**

- a. Application for project approval(s) shall be on a form as prescribed by the Planning Director and shall be signed by the applicant and by an owner of the property or the owner's authorized representative. The application shall be submitted to the Development Review Services Division and shall be accompanied by payment of a fee, as established by resolution of the City Council.
- b. With the exception of a single-family residence and additions to commercial and industrial buildings whose floor area constitutes less than 25 percent of the ground floor area of the building to which the addition will take place, plans shall be prepared and endorsed by qualified professional practitioners, including a licensed architect, a licensed building designer, a licensed land surveyor, a registered civil engineer, and a registered landscape architect, all of whom prepare plans in their respective fields.
- c. Each application shall be accompanied by:
- (1) An accurate legal description of the property;
  - (2) A scaled map or diagram of the property;
  - (3) A statement describing the existing improvements or use of the subject property and any proposed changes;
  - (4) Other documents or information in such form and number as may be required by the Planning Director, including, but not limited to, title reports, dimensioned architectural drawings showing elevations of existing and proposed buildings, existing and proposed landscaping and other ground treatment, required parking facilities and circulation, provisions for refuse, fencing, lighting, storage, signs, proposed open space, building materials and drainage facilities, and existing and proposed grades.
- d. No application shall be set for hearing or acted upon until it is deemed complete by the Planning Director.

#### **SEC. 10-1.2820 NOTICE.**

- a. Unless otherwise provided, all required notices shall be given by first class mail and shall include the name of the applicant, the purpose of the application and the location of the property. All notices shall be mailed to the applicant and owner, or the owner's authorized representative, and to the owners of all parcels within 300 feet of the perimeter of the subject property as shown on the latest equalized assessment roll. Notice may be given to the owners of all other parcels which, in the judgment of the Planning Director, may be substantially affected by the decision. If not included in the above, on an appeal, the appellant also shall receive notice.
- b. Notice of a decision by the Planning Director on a site plan review, administrative use permit, a variance, or administrative reduction in lot size which exceeds ten percent of the yard requirement shall be given within five business days of the decision.

- c. Notice of a public hearing on a matter going before the Planning Commission or the City Council, whether as a matter of course, on referral, or on appeal, shall be given at least 10 days prior to the public hearing and shall include the date, time and place of hearing. If a hearing is continued to a specified date and time, no further notice need be given.
- d. Defects in information on a notice or the failure of any or all of the addressees to receive the notice given pursuant to this Ordinance shall not invalidate the proceedings, provided that such defect or failure has not occurred in bad faith.
- e. Notice by publication may be provided in lieu of or in addition to individual notice when deemed warranted by the number of notice recipients or where otherwise required by law.

#### **SEC. 10-1.2825 DECISIONS. PUBLIC HEARINGS AND EFFECTIVE DATES.**

- a. The decision of the Planning Director on a site plan review application, an administrative use permit application, a variance application, or reduction in required yard area by no more than 10 percent of that required, may be made without holding a public hearing. Unless appealed, a decision by the Planning Director shall become final on the 16<sup>th</sup> day following the day the decision is rendered.
- b. Decisions made by the Planning Commission and the City Council shall be made after the conduct of a noticed public hearing by the decision-making body. Unless appealed, a decision of the Planning Commission shall become final on the 11<sup>th</sup> day following the day the decision is rendered. Decisions by the City Council are effective immediately or upon the effective date of a given ordinance, if applicable.
- c. When the day on which a decision would be final is a Saturday, Sunday or legal holiday, the decision shall become final on the second business day thereafter

#### **SEC. 10-1.2830 CONFORMANCE - ADMINISTRATIVE MODIFICATION.**

- a. Permits and licenses issued on the basis of plans and applications approved by the Planning Director are valid only for uses, arrangements, and construction set forth as approved. Any use, arrangement, or construction other than that authorized is a violation of the Zoning Ordinance.
- b. The Planning Director may administratively approve minor modifications to an approved permit or the conditions of approval so long as the changes do not materially alter the design, site layout, or conditions of approval of said permit.
- c. The Planning Director may administratively reduce any yard requirement by 25 percent or any required lot size standard by 10 percent in any district if in the opinion of the Planning Director no practical alternative exists, the purpose of the district would not be compromised, no detrimental impact would result aesthetically, and the proposed use or construction otherwise complies with the City's land use and Building Code regulations. Any departure which exceeds 10 percent of such required standards is subject to notice as provided for in S Section 10-1.2820 and appeal provisions as outlined in S Section 10-1.2845.

- cl. The Planning Director may administratively waive the requirement for approval of a conditional use permit (where only required because abutting district is residentially zoned) or variance application where the Planning Director determines that the property abutting the proposed use or construction is used for State or Federal highway right-of-way, flood control channel, railroad right-of-way or similar uses, and provided said waiver will not compromise the purpose of the district and no detrimental impact will result.

#### **SEC. 10-1.2835 DISTRICT USES NOT SPECIFIED.**

When a proposed use is not listed in a district where other uses of the same general character are specified, the Planning Director may interpret the Ordinance to include said use as comparable to a primary or conditional use in said district.

#### **SEC. 10-1.2840 ADMINISTRATIVE REFERRAL.**

When there is a question regarding the interpretation of this ordinance, or its application to any specific case or situation, the Planning Director may refer said question to the Planning Commission for purposes of Ordinance interpretation, according to the role **and** responsibilities of said Commission as specified elsewhere in this Ordinance or in the Hayward Municipal Code.

#### **SEC. 10-1.2845 APPEAL AND REVIEW PROCESS.**

- a. If an application has been denied by the Planning Director, the applicant may appeal the denial. If an application is approved, an appeal may be filed by the applicant, by any person entitled under the law to receive notice, or by any persons who will be or may reasonably be expected to suffer a negative impact as a result of the approval.
- b. All appeals must be filed in the Development Review Services Division prior to the effective date of the decision being appealed. Appeals must be in writing and must set forth the specific action appealed from, the specific grounds of the appeal, and the relief or action sought. Except where an appeal is filed by a public official performing public duties, the written appeal must be accompanied by a fee, as established by resolution of the City Council.
- c. The timely filing of a notice of 'appeal shall cause a stay in the operative effect of the action, Permit or decision from which the appeal has been taken until a decision on the appeal is rendered.
- d. In accordance with Section 10-1 .2820, notice of the public hearing on the appeal shall be given to the appellant and to all those who received notice of the application.
- e. Appeals from determinations made by administrative action shall be heard by the Planning Commission. Appeals from action taken by the **Planning Commission** shall be made to the City Council.
- f. City Councilmember Call-Up.
  - (1) Any member of the City Council may request review of an application on which the Planning Director or the Planning Commission has made a final decision.
  - (2) The Council member requesting review of an application shall file a written request for review with the City Clerk on or before the 10<sup>th</sup> day following the day the

decision is rendered by the Planning Commission, or on or before the 15<sup>th</sup> day following the day the decision is rendered by the Planning Director.

- (3) The matter shall thereafter be scheduled for review and a decision rendered by the City Council.
- (4) The City Council may approve, conditionally approve, or disapprove the application based upon the relevant information and findings.
- (5) In the event significant **new** evidence, which may include change in the proposal, is presented at the time of hearing, the Council may return the matter to the approving authority for further consideration and a decision.
- (6) If the application has previously been subject to notice under Section 10-1.2820, it shall be scheduled for a hearing by the City Council and noticed in accord with Section 10-1.2820.
- (7) No fees by the applicant shall be required when a member of the City Council requests review of an application.

g. Planning Commissioner Call-Up.

- (1) Any member of the Planning Commission may request review of an application on which the Planning Director has made a final decision.
- (2) The Planning Commissioner requesting review shall file a written request for review with the Development Review Services Division on or before the 15<sup>th</sup> day following the day the decision is rendered.
- (3) The matter shall be scheduled for review and a decision rendered by the Planning Commission.
- (4) If the application has previously been subject to notice under Section 10-1.2820, it shall be scheduled for a hearing by the Planning Commission and noticed in accordance with Section 10-1.2820.
- (5) No fees by the applicant shall be required when a member of the Planning Commission requests review of an application.

**SEC. 10-1.2850 VIOLATIONS AND PENALTIES.**

- a. Any person violating any provision of this Ordinance or failing to comply with any approved plans or conditions, shall be guilty of an infraction or misdemeanor as set forth in Chapter 1, Article 3 of the Hayward Municipal Code.
- b. Whenever there exists cause to suspect a violation of any provision of this Ordinance, the official responsible for enforcement may enter on any site or into any structure for the purpose of investigation. No secured building shall be entered without the consent of the owner or occupant or agent thereof. The owner or occupant or agent thereof who refuses to permit entry and investigation shall be guilty of an infraction.
- c. The procedures for abatement of an infraction set forth herein shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances and regulations or abating public nuisances in any other manner provided by law.
- d. Any violation of this ordinance shall be a public nuisance and may be abated as such. Nothing in this Ordinance shall be deemed to prevent the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy available under applicable law.

- e. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code section 36900. After a third conviction for a violation of the same provision, subsequent violations within a 12-month period may be charged as a misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code section 36901.
- f. Each day that a violation or failure to comply continues shall be deemed a separate offense and may be punished as such.
- g. The remedies provided for herein shall be cumulative and not exclusive.

## SEC. 10-1.2900 NONCONFORMING USES

### Sections:

- Section 10- 1.2905 Purpose.  
 Section 10- 1.29 10 Nonconforming Structures.  
 Section 10- 1.29 15 Nonconforming Uses.  
 Section 10-1.2920 Nonconforming Structures. Building Under Construction.  
 Section 10-1.2925 Structure Permits or Certificates of Occupancy Prohibited.  
 Section 10-1.2930 Removal of Illegal Nonconforming Structures and Uses.

### SEC. 10-1.2905 PURPOSE.

Existing uses which do not conform to the regulations of the District wherein located shall be subject to the following specific regulations in addition to general regulations contained herein in order to permit the continued operation of such uses while guarding against such uses becoming a threat to more appropriate development.

### SEC. 10-1.2910 NONCONFORMING STRUCTURES.

A structure which lawfully existed prior to the effective date of this Ordinance is a legal nonconforming structure, and may continue even though the structure fails to conform to the present requirements of the land use district in which it is located. A legal nonconforming structure may be maintained as follows:

- a. A legal nonconforming structure which is damaged to an extent of one-half or more of its replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of this Ordinance. However, any residential structure(s), including multi-family, in a residential land use district destroyed by a catastrophe, including fire, may be reconstructed up to the original size, placement, and density. However, reconstruction shall commence within 2 years after the catastrophe.
- b. Necessary repairs and desired alterations may be made to a legal nonconforming residential structure(s), including multi-family, located in a residential land use district.
- c. Reasonable repairs and alterations may be made to legal nonconforming commercial, industrial, or institutional structures, provided that no structural alterations shall be made which would prolong the life of the supporting members of a structure, such as bearing walls, columns, beams, or girders. Structural elements may be modified or repaired only if the Chief Building Official determines that such modification or repair is immediately necessary to protect the health and safety of the public or occupants of the nonconforming structure, or adjacent property and the cost does not exceed one-half of the replacement cost of the legal nonconforming structure. However, improvements required to reinforce non-reinforced masonry structures shall be permitted without replacement cost limitations, provided that such retrofitting is strictly limited to compliance with earthquake safety standards.
- d. Changes to interior partitions or other nonstructural improvements and repairs may be made to a legal nonconforming commercial, industrial, or institutional structure, provided that the

cost of the desired improvement or repair shall not exceed one-half of the replacement cost of the nonconforming structure over any consecutive 5-year period.

- e. The replacement cost shall be determined by the Planning Director.
- f. Any additional development of a parcel with a legal nonconforming structure will require that all new structures be in conformance with this Ordinance.
- g. If the use of a nonconforming structure is discontinued for a period of 6 or more consecutive calendar months, the structure shall lose its legal nonconforming status, and shall be removed or altered to conform to the provisions of this Ordinance. A use of a legal nonconforming structure shall be considered discontinued when any of the following apply:
  - (1) The intent of the owner to discontinue use of the nonconforming structure is apparent, as determined by the Planning Director.
  - (2) Where characteristic furnishings and equipment associated with the use have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been discontinued for a period of 6 or more consecutive calendar months.
  - (3) Where there are no business receipts available for the 6 month period.
- h. The Planning Director shall permit a nonconforming structure to be reoccupied without complying with the building dimensional requirements (pertaining to height, setbacks and/or lot coverage) or the landscaping requirements in this Ordinance where the use of the nonconforming structure has been discontinued for 6 months or more and if the Planning Director determines that a portion of the structure or the required on-site parking must be removed in order for the structure to conform to the provisions of this Ordinance and/or the City Off-Street Parking Ordinance. All other requirements, including the Uniform Building Code, shall apply to the **reoccupancy** of the structure.

#### **SEC. 10-1.2915 NONCONFORMING USES.**

A nonconforming use is one which lawfully existed prior to the effective date of this Ordinance, but which is no longer permitted in the land use district in which it is located. The continuance of a legal nonconforming use is subject to the following:

- a. Change of ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status, provided that the use and intensity of use does not change.
- b. If a nonconforming use is discontinued for a period of 6 or more consecutive calendar months, it shall lose its legal nonconforming status, and the continued use of the property shall be required to conform with the provisions of this Ordinance.
- c. Additional development of any property on which a legal nonconforming use exists shall require that all new uses conform to the provisions of this Ordinance.
- d. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.

- e. No nonconforming use may be established or replaced by another nonconforming use, nor any nonconforming use be expanded or changed, except as provided in Subsections “f” and “g” below.
- f. A nonconforming use of a portion of a nonconforming commercial or industrial center or complex may be established or replaced by another similar nonconforming use subject to the granting of a Use Permit after a noticed public hearing as specified in Section 10-1.2820, and if all of the following findings are made:
  - (1) That the nonconforming use is similar to the ones originally allowed in the center or complex;
  - (2) That the nonconforming use will not adversely affect or be materially detrimental to adjoining properties; and
  - (3) That the use of the entire center or complex has not been vacant or discontinued for a period of 6 or more calendar months.
- g. An existing legal nonconforming use or legal nonconforming building may be minimally expanded or changed subject to the granting of a Use Permit if all of the following findings are made:
  - (1) That such expansion or change is minimal;
  - (2) That such expansion or change will not adversely affect or be materially detrimental to adjoining properties;
  - (3) That there is a need for relief or overcrowded conditions or for modernization in order to properly operate the use; and
  - (4) That the use is existing and has not been discontinued for a period of 6 or more calendar months.
- h. Notwithstanding all provisions in this subsection, continuation/reestablishment of a vacant or vacated nonconforming new car auto dealership facility on Mission Boulevard between Sycamore/Highland and Orchard/Carlos Bee, for the same purposes, shall be permitted. In addition, nonconforming new car auto dealerships on Mission Boulevard, between Sycamore/Highland and Orchard/Carlos Bee, shall be allowed to apply for Site Plan Review for minor exterior alterations, improvements, or expansions of less than 10 percent of the building area of an existing facility, subject to review and approval by the Planning Director. Unless otherwise extended or repealed by action of the City Council, the provisions of this subsection “h” shall automatically terminate on September 19, 1996, one year from the date of its adoption.

#### SEC. 10-1.2920 NONCONFORMING STRUCTURES - BUILDING UNDER CONSTRUCTION.

Nothing contained herein shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date of the zoning district change, ordinance amendment, or annexation, which resulted in the nonconformity, provided that in all cases actual construction work is consistent with approved plans or building permit.

#### SEC. 10-1.2925 STRUCTURE PERMITS OR CERTIFICATES OF OCCUPANCY PROHIBITED.

When any nonconforming structure or use is no longer permitted pursuant to the provisions of this Ordinance, no permit for a structure shall thereafter be issued for further continuance, alteration, or expansion. Any permit issued in error shall not be construed as allowing the continuation of the

nonconforming structure or use.

SEC. 10-1.2930 REMOVAL OF ILLEGAL NONCONFORMING STRUCTURES AND USES.

Nothing contained in this Section shall be construed or implied so as to allow for the continuation of illegal nonconforming structures and uses. Said structures and uses shall be removed immediately subject to the provisions of Section 10-1.2850 ("VIOLATIONS AN INFRACTION") and State law.

## SEC. 10-1.3000 SITE PLAN REVIEW

### Sections:

- Section 10-1.3005 Purpose.
- Section 10-1.3010 When Required.
- Section 10-1.3015 Application Form and Submittal.
- Section 10-1.3020 Administrative Options.
- Section 10-1.3025 Findings.
- Section 10-1.3030 Conditions.
- Section 10-1.3035 Notice of Decision and Effective Date.
- Section 10-1.3040 Time Limits for Final Decision.
- Section 10-1.3045 Appeals.
- Section 10-1.3050 Referrals.
- Section 10-1.3055 Lapse of Approval.
- Section 10-1.3060 Revocations and Modifications.
- Section 10-1.3065 Reapplication.
- Section 10-1.3070 Discontinued Uses.

### SEC. 10-1.3005 PURPOSE.

Site plan review is aimed at fostering development and the establishment of uses which take into account on-site and surrounding structures and uses, physical and environmental constraints and traffic circulation, so that new development is accomplished in an orderly manner, complies with the intent of City development policies and regulations, and is operated in a manner determined to be acceptable and compatible with surrounding development.

### SEC. 10-1.3010 WHEN REQUIRED.

- a. **General.** All uses which require site plan review, as specified in the zoning district regulations are subject to the regulations and procedures contained herein.
- b. **Subdivision.**
  - (1) When an application for site plan review involves a condominium or any other type subdivision, the project shall be processed and reviewed (separately or concurrently) by the Planning Commission. An application approved by the Planning Commission shall also be reviewed by the City Council, whose action shall be final.
  - (2) In the event a condominium or any other type subdivision involves property for which a site plan review has previously been approved, the Commission and Council shall have the authority to modify said approved site plan review or the conditions of approval of same to insure that the site plan review and the subdivision are compatible.
- c. **Use Permit.**

When the provisions of this Ordinance require both site plan review and use permit approval, an application for a use permit constitutes an application for both. Information as required for site plan review must be furnished by the applicant, and decisions regarding the site plan must be made according to the guidelines set forth for site plan review.

d. Waiver.

When in the opinion of the Planning Director the proposed improvements are minor in nature and will not materially alter the appearance or character of the property or area or is not incompatible with City policies, standards and guidelines, the Planning Director may waive the requirement for site plan review.

SEC. 10-1.3015 APPLICATION FORM AND SUBMITTAL.

An application for site plan review shall be submitted as specified in. Section 10-1 .2815

SEC. 10-1 .3020 ADMINISTRATIVE OPTIONS.

The Planning Director may approve, conditionally approve, disapprove, or refer a site plan review application to the Planning Commission, with or without a recommendation. Except for referrals, an approval action must be based on the findings listed below in . Section 10-1 .3025.

SEC. 10-1.3025 FINDINGS.

The approving authority may approve or conditionally approve an application when all of the following findings are made:

- a. The development is compatible with on-site and surrounding structures and uses;
- b. The development takes into consideration physical and environmental constraints;
- c. The development complies with the intent of City development policies and regulations;
- d. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

SEC. 10-1 .3030 CONDITIONS.

In the event of conditional approval, such conditions as may be reasonably necessary to achieve a beneficial affect may be imposed and may include but not be limited to:

- a. Activities and equipment permitted;
- b. Time of day activities shall be permitted;
- c. Specified time period within which approval is valid;
- d. Furnishing of guarantees assuring compliance with conditions;
- e. Adequate safeguards against the emission of dust, heat, glare, electromagnetic interference, odors, smoke and particulate matter, wastes, refuse, water pollution and the like. An application may be referred to qualified consultants if a report is deemed necessary. Cost of consultant services shall be paid for by the applicant.
- f. Site plan architectural requirements such as building arrangement, safe and efficient access, adequate open spaces, landscaping, screening, parking and yards, shielded lighting, compatible signs, harmonious external building design, and sufficient variety to avoid

monotony in external appearance.

**SEC. 10-1.3035 NOTICE OF DECISION AND EFFECTIVE DATE.**

The decision of the Planning Director shall take effect in accordance with the provisions of Section 10-1 .2825 and notice shall be given pursuant to Section 10-1 .2820. Approvals and conditional approvals may be granted when the findings listed for approval in Section 10-1.3025 are met.

**SEC. 10-1.3040 TIME LIMITS FOR FINAL DECISION.**

Where applicable, a final decision on all applications for a site plan review will be made within the time limits set forth in the Permit Streamlining Act of the State of California. A site plan review application which is dependent on a General Plan amendment or other legislative proposal shall not be subject to the Permit Streamlining Act's time limits until the General Plan amendment or legislative proposal is adopted.

**SEC. 10-1.3045 APPEALS.**

a. **Decision of Planning Director Appealed to Planning Commission.**

The decision of the Planning Director may be appealed to the Planning Commission in accord with the appeals process detailed in Section 10-1.2845. The Planning Commission may approve or conditionally approve, or disapprove the application based on the findings listed in Section 10-1.3025.

b. **Decision of Planning Director Appealed to City Council.**

- (1) The decision of the Planning Director may be appealed to the City Council in accord with the appeals process detailed in Section 10-1.2845. The Council may approve or conditionally approve, or disapprove the application based on the findings listed in Section 10-1.3025.
- (2) In the event significant new evidence, which may include substantial changes in the proposal, is presented in conjunction with the appeal, the matter shall be returned to the Planning Commission for further consideration and adoption.

**SEC. 10-1.3050 REFERRALS.**

- a. The Planning Director may refer a site plan review application to the Planning Commission at any time, with or without a recommendation. The Planning Commission shall then conduct a public hearing, for which notice shall be given in accord with Section 10-1 .2820.
- b. The Planning Commission may refer a site plan review application to the City Council at any time, with or without a recommendation. The Council shall then conduct a public hearing, for which notice shall be given in accord with Section 10-1 .2820.
- c. On referral, the Planning Commission or the Council, as the case may be, may approve or conditionally approve the application based on the findings listed in Section 10-1 .3025. The Planning Commission or the Council must disapprove the application if it is unable to make any of the required findings.

**SEC. 10-1.3055 LAPSE OF APPROVAL.****a. General.**

- (1) Site plan review approval is void one year (24 months if a subdivision is concurrently approved) after the effective date of approval unless a building permit application for the subject project has been submitted and accepted for processing by the Building Official or business operations have commenced prior to that date.
- (2) If a building permit is issued for construction of improvements authorized by the site plan review approval, the site plan review approval shall be void two years after issuance of the building permit, or three years after approval of the site plan review application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review approval.

**b. One-Year Extension(s).**

- (1) A maximum of two one-year extensions may be approved by the Planning Director or, on appeal, by the Planning Commission or the City Council.
- (2) A request for an extension of time must be filed with the Development Review Services Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days.
- (3) Notice of said action shall be given pursuant to Section 10-1 .2820.
- (4) In making a decision on approval of an extension, the following shall be considered:
  - (a) the cause for delay in submittal of the building permit; and
  - (b) whether the proposal is in conformance with existing development regulations.

**SEC. 10-1.3060 REVOCATIONS AND MODIFICATIONS.**

- a. In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the Planning Director or the Planning Commission may revoke a site plan review, or modify or add to the conditions of approval, or refer the matter to the City Council, with 'or without a recommendation, for failure to comply with or complete all conditions of approval or improvements indicated on the approved development plans. Requests for modifications may be approved by the Planning Director without a public notice or hearing or notice of such item, if the Planning Director determines that such a proposed modification is of a minor nature.
- b. Site plan review approval may be revoked when the Planning Director or Planning Commission or, upon referral, the City Council finds that:
  - (1) The use or the manner in which it is conducted, managed, or operated impairs the character and integrity of the zoning district and surrounding area; or
  - (2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions or plan would not be in the public interest, or would be detrimental to the public health, safety, or welfare.

**SEC. 10-1.3065 REAPPLICATION.**

A site plan review permit that has been disapproved or revoked may not be reapplied for within one year of the final decision to disapprove or revoke said application unless the Planning Director finds that new evidence, a change of conditions, or a change in the project justifies reconsideration.

**SEC. 10-1.3070 DISCONTINUED USES.**

All uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the site plan review permit approving such use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new site plan review permit.



## **SEC. 104.3100 ADMINISTRATIVE USE PERMIT**

### Sections:

Section 10-1.3105	Purpose.
Section 10-1.3110	When Required.
Section 10-1.3115	Application Form and Submittal.
Section 10-1.3120	Administrative Options.
Section 10-1.3125	Findings.
Section 10-1.3130	Conditions.
Section 10-1.3135	Notice of Decision and Effective Date.
Section 10-1.3140	Time Limits for Final Decision.
Section 10-1.3145	Appeals.
Section 10-1.3150	Referrals.
Section 10-1.3155	Lapse of Approval.
Section 10-1.3160	Revocations and Modifications.
Section 10-1.3165	Reapplication.
Section 10-1.3170	Discontinued Uses.

### **SEC. 10-1.3105 PURPOSE.**

The purposes for requiring administrative use permit approval are to assure certain specified uses are permitted where there is community need, and to assure said uses occur in maximum harmony with the area and in accordance with official City policies.

### **SEC. 10-1.3110 WHEN REQUIRED.**

All uses which require the issuance of an administrative use permit, as specified in the regulations for the various districts, shall be subject to the regulations and procedures contained herein.

### **SEC. 10-1.3115 APPLICATION FORM AND SUBMITTAL.**

An application for an administrative use permit shall be submitted as specified in Section 10-1.2815.

### **SEC. 10-1.3120 ADMINISTRATIVE OPTIONS.**

The Planning Director may approve, conditionally approve, disapprove, or refer an administrative use permit application to the Planning Commission, with or without a recommendation. Except for referrals, action must be based on the findings listed below in Section 10-1.3125.

### **SEC. 10-1.3125 FINDINGS.**

The approving authority may approve or conditionally approve an application when all of the following findings are made:

- a. The proposed use is desirable for the public convenience or welfare;
- b. The proposed use will not impair the character and integrity of the zoning district and surrounding area;
- c. The proposed use will not be detrimental to the public health, safety, or general welfare;

and

- d. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

#### SEC. 10-1.3130 CONDITIONS.

In the event of conditional approval, such conditions as may be reasonably necessary to achieve a beneficial affect may be imposed and may include but not be limited to:

- a. Activities and equipment permitted;
- b. Time of day activities shall be permitted;
- c. Specified time period within which approval is valid;
- d. Furnishing of guarantees assuring compliance with conditions;
- e. Adequate safeguards against the emission of dust, heat, glare, electromagnetic interference, odors, smoke and particulate matter, wastes, refuse, water pollution and the like. An application may be referred to qualified consultants if a report is deemed necessary. Cost of consultant services shall be paid for by the applicant.
- f. Site plan architectural requirements such as building arrangement, safe and efficient access, adequate open spaces, landscaping, screening, parking and yards, shielded lighting, compatible signs, harmonious external building design, and sufficient variety to avoid monotony in external appearance.

#### SEC. 10-1.3135 NOTICE OF DECISION AND EFFECTIVE DATE.

The decision of the Planning Director shall take effect in accord with the provisions of Section 10-1.2825, and notice shall be given pursuant to Section 10-1.2820, except that notice need not be given to other than the applicant and property owner or authorized representative for Christmas tree lots, and temporary uses not exceeding 15 days duration in any calendar year, and small collection facilities.

#### SEC. 10-1.3140 TIME LIMITS FOR FINAL DECISION.

Where applicable, a final decision on all applications for an administrative use permit will be made within the time limits set forth in the Permit Streamlining Act of the State of California. An administrative use permit application which is dependent on a General Plan amendment or other legislative proposal shall not be subject to the Permit Streamlining Act's time limits until the General Plan amendment or legislative proposal is adopted.

#### SEC. 10-1.3145 APPEALS.

- a. **Decision of Planning Director Appealed to Planning Commission.**

The decision of the Planning Director may be appealed to the Planning Commission, in accord with the appeals process detailed in Section 10-1.2845. The Planning Commission may approve, conditionally approve or disapprove the application based on the findings Section 10-1.3125.

b. **Decision of Planning Commission Appealed to City Council.**

- (1) The decision of the Planning Commission may be appealed to the City Council in accord with the appeals process detailed in Section 10-1.2845. The Council may approve or conditionally approve, or disapprove the application based on the findings listed in Section 10-1.3125.
- (2) In the event significant new evidence, which may include substantial changes in the proposal, is presented in conjunction with the appeal, the matter shall be returned to the Planning Commission for further consideration and adoption.

**SEC. 10-1.3150 REFERRALS.**

- a. The Planning Director may refer an administrative use permit to the Planning Commission at any time, with or without a recommendation. The Planning Commission shall then conduct a public hearing for which notice shall be given in accord with Section 10-1.2820.
- b. The Planning Commission may refer an administrative use permit application to the City Council at any time, with or without a recommendation. The Council shall then conduct a public hearing for which notice shall be given in accord with Section 10-1.2820.
- c. On referral, the Planning Commission or the Council, as the case may be, may approve or conditionally approve the application based on the findings in Section 10-1.3125. The Planning Commission or the Council must disapprove the application if it is unable to make any of the required findings.

**SEC. 10-1.3155 LAPSE OF APPROVAL.**

a. **General.**

- (1) Administrative use permit approval is void one year after the effective date of approval unless a building permit application has been submitted for the subject project and accepted for processing by the Building Official or business operations have commenced prior to that date.
- (2) If a building permit is issued for construction of improvements authorized by the administrative use permit approval, the administrative use permit approval shall be void two years after issuance of the building permit, or three years after approval of the administrative use permit application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the administrative use permit approval.

b. **One-Year Extension(s).**

- (1) A maximum of two one-year extensions can be approved by the Planning Director or, on appeal, by the Planning Commission or City Council.
- (2) Request for an extension of time must be filed with the Development Review Services Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days. Notice of said action shall be given pursuant to Section 10-1.2820.
- (3) In making a decision on approval of an extension, the following shall be considered:
  - (a) the cause for delay in submittal of the administrative use permit; and
  - (b) whether the proposal is in conformance with existing development regulations.

SEC. 10-1.3160 REVOCATIONS AND MODIFICATIONS.

- a. In accord with the notice and hearing provisions detailed in Sections 10-1 .2820 and 10-1. 2825, the Planning Director may revoke an administrative use permit, or modify, or add to the conditions of approval, or refer the matter to the Planning Commission, with or without a recommendation in order to insure the use is consistent with the findings made pursuant to Section 10-1.3125.
- b. An administrative use permit may be revoked when the Planning Director finds that:
- (1) The use or the manner in which it is conducted, managed, or operated impairs the character and integrity of the zoning district and surrounding area; or
  - (2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions or plan would not be in the public interest, or would be detrimental to the public health, safety, or welfare.

SEC. 10-1.3165 REAPPLICATION.

An administrative use permit that has been disapproved or revoked may not be reapplied for within one year of the final decision to disapprove or revoke said application unless the Planning Director finds that new evidence, a change of conditions , or a change in the project justifies reconsideration.

SEC. 10-1.3170 DISCONTINUED USES.

All uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the administrative use permit approving use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new administrative use permit.

**SEC. 10-1.3200 CONDITIONAL USE PERMIT****Sections:**

Section 10-1.3205	<b>Purpose</b>
Section 10-1.3210	When Required.
Section 10-1.3215	Application Form and Submittal.
Section 10-1.3220	Administrative Options.
Section 10-1.3225	Findings.
Section 10-1.3230	Conditions.
Section 10-1.3235	Notice of Decision and Effective Date.
Section 10-1.3240	Time Limits for Final Decision.
Section 10-1.3245	Appeals.
Section 10-1.3250	Referrals.
Section 10-1.3255	Lapse of Approval.
Section 10-1.3260	Revocations and Modifications.
Section 10-1.3265	Reapplication.
Section 10-1.3270	Discontinued Uses.

**SEC. 10-1.3205 PURPOSE.**

The purposes for requiring conditional use permit approval are to assure certain uses, as specified in the various districts, are permitted where there is a community need, and to assure said uses occur in maximum harmony with the area and in accordance with official City policies.

**SEC. 10-1.3210 WHEN REQUIRED.****a. General.**

All uses requiring use permit approval, as specified in the various zoning districts of this Ordinance, are subject to the regulations and procedures contained herein, except that expansion or remodeling in connection with a use existing by virtue of an approved use permit does not require further use permit approval if, in the opinion of the Planning Director, said expansion or remodeling are minor in nature and will not materially alter the character or appearance of the property or area.

**b. Subdivision.**

- (1) When an application for site plan review involves a condominium or any other type subdivision, the project shall be processed and reviewed (separately or concurrently) by the Planning Commission. An application approved by the Planning Commission shall also be reviewed by the City Council, whose action shall be final.
- (2) In the event a condominium or any other type subdivision involves property for which a site plan review has previously been approved, the Commission and Council shall have the authority to modify said approved site plan review or the conditions of approval of same to insure that the site plan review and the subdivision are compatible.

**c. Site Plan Review.**

When the provisions of this Ordinance require both site plan review and use permit approval, an application for a use permit constitutes an application for both. Information as

required for site plan review must be furnished by the applicant, and decisions regarding the site plan must be made according to the guidelines set forth for site plan review.

#### SEC. 10-1.3215 APPLICATION FORM AND SUBMITTAL.

An application for a conditional use permit shall be submitted as specified in Section 10-1.2815.

#### SEC. 10-1.3220 ADMINISTRATIVE OPTIONS.

The Planning Director may refer an conditional use permit application to the Planning Commission, with or without a recommendation. Recommendations must be based on the findings listed in Section 10-1.3225.

#### SEC. 10-1.3225 FINDINGS.

The Planning Commission or other approving authority may approve or conditionally approve an application when all of the following findings are made:

- a. The proposed use is desirable for the public convenience or welfare;
- b. The proposed use will not impair the character and integrity of the zoning district and surrounding area;
- c. The proposed use will not be detrimental to the public health, safety, or general welfare; and
- d. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

#### SEC. 10-1.3230 CONDITIONS.

To implement official City policy and to attain the purposes for requiring use permit approval, as stated in Section 10-1.3205 as well as the general findings listed in Section 10-1.3225, the Planning Commission may attach to approvals such conditions as it deems necessary. These conditions may include, but are not limited to:

- a. Activities and equipment permitted;
- b. Time of day activities shall be permitted;
- c. Specified time period within which approval is valid;
- d. Furnishing of guarantees assuring compliance with conditions;
- e. Adequate safeguards against the emission of dust, heat, glare, electromagnetic interference, odors, smoke and particulate matter, wastes, refuse, water pollution and the like. The Commission may refer the application to qualified consultants for a report if it deems necessary. Cost of consultant services must be paid by the applicant; and
- f. Site plan and architectural requirements such as, but not limited to, building arrangement, safe and efficient access, adequate open space, landscaping, screening, parking and yards,

shielded lighting, compatible signs, harmonious external building design, and sufficient variety to avoid monotony in external appearance.

**SEC. 10-1.3235 NOTICE OF DECISION AND EFFECTIVE DATE.**

The decision of the Planning Commission shall take effect in accord with the provisions of Section 10-1.2825 and notice shall be given pursuant to Section 10-1.2820.

**SEC. 10-1.3240 TIME LIMITS FOR FINAL DECISION.**

Where applicable, a final decision on all applications for a conditional use permit will be made within the time limits set forth in the Permit Streamlining Act of the State of California. A conditional use permit application which is dependent on a General Plan amendment or other legislative proposal shall not be subject to the Permit Streamlining Act's time limits until the General Plan amendment or legislative proposal is adopted.

**SEC. 10-1.3245 APPEALS.**

a. **Decision of Planning Director Appealed to Planning Commission.**

Administrative decisions of the Planning Director relating to a conditional use permit may be appealed to the Planning Commission, in accord with the appeals process detailed in Section 10-1.2845.

b. **Decision of Planning Commission Appealed to City Council.**

- (1) The decision of the Planning Commission may be appealed to the City Council, in accord with the appeals process detailed in Section 10-1.2845. The Council may approve, conditionally approve, or disapprove the application based on the findings in Section 10-1.3225.
- (2) In the event significant new evidence, which may include substantial changes to the proposal, is presented in conjunction with the appeal, the matter shall be returned to the Planning Commission for further consideration and a decision.

**SEC. 10-1.3250 REFERRALS.**

- a. The Planning Director may refer a conditional use permit to the Planning Commission at any time, with or without a recommendation. The Planning Commission shall then conduct a public hearing for which notice shall be given in accord with Section 10-1.2820.
- b. The Planning Commission may refer a conditional use permit application to the City Council at any time, with or without a recommendation. The Council shall then conduct a public hearing, for which notice shall be given in accord with Section 10-1.543 Section 10-1.2820.
- c. On referral, the Council may approve or conditionally approve the application based on the findings in Section 10-1.3225. The Council must disapprove the application if it is unable to make any of the required findings.

**SEC. 10-1.3255 LAPSE OF APPROVAL.****a. General.**

- (1) Conditional use permit approval is void one year (24 months if a subdivision is concurrently involved) after the effective date of approval unless a building permit application for the subject project has been accepted for processing by the Building Official or business operations have commenced prior to that date.
- (2) If a building permit is issued for construction of improvements authorized by the conditional use permit approval, the conditional use permit approval shall be void two years after issuance of the building permit, or three years after approval of the conditional use permit application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the conditional use permit approval.

**b. One-Year Extension(s).**

- (1) A maximum of two one-year extensions may be approved by the Planning Director or, on appeal, by the Planning Commission or the City Council.
- (2) A request for an extension of time must be filed with the Development Review Services Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days. Notice of said action shall be given pursuant to Section 10-1.2820.
- (3) In making a decision on approval of an extension, the following shall be considered:
  - (a) the cause for delay in submittal of the building permit; and
  - (b) whether the proposal is in conformance with existing development regulations.

**SEC. 10-1.3260 REVOCATIONS AND MODIFICATIONS.**

- a. In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the Planning Commission may revoke a conditional use permit, or modify, or add to the conditions of approval, or refer the matter to the City Council, with or without a recommendation in order to insure the use is consistent with the findings made pursuant to Section 10-1.3225.
- b. Requests for modifications may be approved by the Planning Commission or Planning Director without a public notice or hearing or notice of such item, if the Planning Director determines that such proposed modification is of a minor nature.
- c. A conditional use permit may be revoked when the Planning Commission finds that:
  - (1) The use or the manner in which it is conducted, managed or operated impairs the character and integrity of the zoning district and surrounding area; or
  - (2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan and modification of the conditions or plan would not be in the public interest or would be detrimental to the public health, safety, or general welfare.

**SEC. 10-1.3265 REAPPLICATION.**

A conditional use permit that has been disapproved or revoked may not be applied for -within one year of the final decision to disapprove or revoke said application except when, prior to that time, the Planning Director finds that new evidence, a change of conditions, or a change in the project justifies

reconsideration.

SEC. 10-1.3270 DISCONTINUED USES.

All uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the use permit establishing said use shall become null and void. Reestablishment of said use shall only be permitted upon obtaining a new use permit.



SEC. 10-1.3300 VARIANCE**Sections:**

- Section 10-1.3305 Purpose.
- Section 10-1.3310 When Required.
- Section 10-1.3315 Application Form and Submittal.
- Section 10-1.3320 Administrative Options.
- Section 10-1.3325 Findings.
- Section 10-1.3330 Conditions.
- Section 10-1.3335 Notice of Decision and Effective Date.
- Section 10-1.3340 Time Limits for Final Decision.
- Section 10-1.3345 Appeals.
- Section 10-1.3350 Referrals.
- Section 10-1.3355 Lapse of Approval.
- Section 10-1.3360 Revocations.
- Section 10-1.3365 Reapplication.
- Section 10-1.3370 Variances to Uses, Density, and Garage Conversions Prohibited.
- Section 10-1.3375 Limitation of Variance Approval.

**SEC. 10-1.3305 PURPOSE.**

The purpose of variance provisions is to authorize in specific cases departure from the terms of the Ordinance if not contrary to the public interest where, owing to special conditions, literal enforcement would result in unnecessary hardship. Unless determined otherwise by the Planning Director as provided for in Section 10-1.2830, the terms of this Zoning Ordinance as it applies to variances shall not apply to reductions in yard requirements which are within 25 percent or to reductions in lot size which are within 10 percent of the applicable standards.

**SEC. 10-1.3310 WHEN REQUIRED.****a. General.**

A variance request to certain development standards of the Zoning Ordinance may only be applied for when a specific standard can not be met and when the required findings as specified in Section 10-1.3325 can be met.

**b. Subdivision.**

When an application is for a variance condominium, community apartment house, stock cooperative or other type subdivision, the project (separately or concurrently) shall be processed and reviewed by the Planning Commission. An application approved by the Planning Commission shall also be approved by the City Council, whose action shall be final.

**SEC. 10-1.3315 APPLICATION FORM AND SUBMITTAL.**

An application for a variance shall be submitted as specified in Section 10-1.28 15.

**SEC. 10-1.3320 ADMINISTRATIVE OPTIONS.**

Where specified in Section 10-1.2830 the Planning Director may approve, conditionally approve, disapprove, or refer a certain variance applications to the Planning Commission, with or without a

recommendation. All other variance applications shall be reviewed by the Planning Commission. Except for referrals, action must be based on the findings listed for approval in Section 10-1 .3325.

#### **SEC. 10-1.3325 FINDINGS.**

The approving authority may approve or conditionally approve an application when all of the following findings are made:

- a. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints.
- b. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification.
- c. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

#### **SEC. 10-1.3330 CONDITIONS.**

To safeguard the public interest and attain maximum compatibility with abutting areas, the Planning Director, Planning Commission, or City Council as applicable, may attach to approvals such conditions as it deems necessary.

#### **SEC. 10-1.3335 NOTICE OF DECISION AND EFFECTIVE DATE.**

The decision of the Planning Director shall take effect in accord with the provisions of Section 10-1.2825 and notice shall be given pursuant to Section 10-1.2820.

#### **SEC. 10-1.3340 TIME LIMITS FOR FINAL DECISION.**

Where applicable, a final decision on all applications for a variance will be made within the time limits set forth in the Permit Streamlining Act of the State of California. A variance application which is dependent on a General Plan amendment or other legislative proposal shall not be subject to the Permit Streamlining Act's time limits until the General Plan amendment for legislative proposal is adopted.

#### **SEC. 10-1.3345 APPEALS.**

- a. Decision of Planning Director Appealed to Planning Commission.
  - (1) The decision of the Planning Director may be appealed to the Planning Commission in accord with the appeals process detailed in Section 10-1 .2845.
  - (2) The Planning Commission may approve, conditionally approve, or disapprove the application based on the findings in Section 10-1 .3325.
- b. Decision of Planning Commission Appealed to City Council.
  - (1) The decision of the Planning Commission may be appealed to the City Council in accord with the appeals process detailed in Section 10-1.2845. The Council may approve or conditionally approve, or disapprove the application based on the findings listed in Section 10-1 .3325.
  - (2) In the event significant new evidence, which may include substantial changes in the proposal, is presented in conjunction with the appeal, the matter shall be returned to the Planning Commission for further consideration and adoption.

**SEC. 10-1.3350 REFERRALS.**

- a. The Planning Director may refer a variance application to the Planning Commission at any time, with or without a recommendation. The Planning Commission shall then conduct a public hearing for which notice shall be given in accord with Section 10-1.2820.
- b. On referral, the Planning Commission may approve, conditionally approve, or disapprove the application based on the findings in Section 10-1.3325. The Planning Commission must disapprove the application if it is unable to make any of the required findings.

**SEC. 10-1.657 SEC. 10-1.3355 LAPSE OF APPROVAL.****a. General.**

- (1) Variance approval is void one year after the effective date of approval unless a building permit application for the subject project has been accepted for processing by the Building Official or business operations have commenced prior to that date.
- (2) If a building permit is issued for construction of improvements authorized by the variance permit approval, the variance permit approval shall be void two years after issuance of the building permit, or three years after approval of the variance permit application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the variance permit approval.

**b. One-Year Extension(s).**

- (1) A maximum of two one-year extensions can be approved by the Planning Director or, on appeal, by the Planning Commission or City Council.
- (2) Request for an extension of time must be filed with the Development Review Services Division at least 15 days prior to the anniversary date of approval, and action on the request shall be taken within 30 days. Notice of said action shall be given pursuant to Section 10-1.2820.
- (3) In making a decision on approval of an extension, the following shall be considered:
  - (a) the cause for delay in submittal of the administrative use permit; and
  - (b) whether the proposal is in conformance with existing development regulations.

**SEC. 10-1.3360 REVOCATIONS.**

In accord with the notice and hearing provisions detailed in Sections 10-1.2820 and 10-1.2825, the Planning Director may revoke a variance permit, modify or add to the conditions of approval thereto, or refer said matter to the Planning Commission with or without a recommendation, for failure to comply with or complete the conditions of approval or the improvements indicated on the approved plans.

**SEC. 10-1.3365 REAPPLICATION.**

A variance that has been disapproved may not be reapplied for within one year of the final decision to disapprove said application, except when the Planning Director finds that new evidence, a change of conditions, or a change in the project justifies reconsideration.

SEC. 10-1.3370 VARIANCES TO USES, DENSITY AND GARAGE CONVERSIONS PROHIBITED.

- a. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted or nonconforming use of lands, structures, or buildings in other zoning districts shall be considered grounds for the issuance of a variance.
- b. In no case may an application be accepted and/or a variance be granted to permit a use or density not permitted in the zoning district in which the subject property is located.
- c. In no case may an application be accepted and/or a variance be granted to allow physical changes in a garage which would result in the conversion of a garage to purposes other than for parking vehicles. A waiver may be made by the Planning Director for a physically handicapped person who resides in the single-family home when the property owner can establish that the terrain is such that there is no reasonable access to the living quarters except through the garage portion of the residence. For purposes of this section, a waiver to allow accessibility for persons with physical disabilities to the dwelling by creating living quarters within the garage shall not be considered a garage conversion.

SEC. 10-1.3375 LIMITATION OF VARIANCE APPROVAL.

A variance approved to a required setback shall be valid only as it relates to the construction proposed at the time the variance approval was granted. Any future building addition which intrudes into a statutory setback shall not be authorized unless subsequent variance approval is obtained.

## SEC. 10-1.3400 AMENDMENTS

### Sections:

- Section 10-1.3405 Purpose.
- Section 10-1.3410 City Policies and Plans Review.
- Section 10-1.3415 Initiation.
- Section 10-1.3420 Application Form and Submittal.
- Section 10-1.3425 Planning Commission Procedures.
- Section 10-1.3430 City Council Procedures.
- Section 10-1.3435 Appeals.
- Section 10-1.3440 Expanded Area of Consideration.
- Section 10-1.3445 Reapplication.
- Section 10-1.3450 Reclassification. Conditions Attached or Attachable.
- Section 10-1.3455 Rezoning Time Limit.
- Section 10-1.3460 Effective Date.

### SEC. 10-1.3405 PURPOSE.

The purpose for the following provisions is to establish procedures by which the City Council may amend the regulations herein, the Zoning District Maps that are on file in the Development Review Services Division, or classifications of properties themselves when the public necessity, convenience, and general welfare will benefit from doing so.

### SEC. 10-1.3410 CITY POLICIES AND PLANS REVIEW.

In the event a proposed amendment is inconsistent with current City policies and plans, review by the Planning Commission of such proposed amendment and of current City policies and plans shall be coordinated so that the City Council will be able to consider in one proceeding any recommended amendments to City policies and plans necessary to retain such consistency by reason of the proposed amendment.

### SEC. 10-1.3415 INITIATION.

#### a. Text Amendment.

May be initiated by a motion of the City Council, or Planning Commission, or by the Planning Director, or an individual.

#### b. Reclassification.

May be initiated by the Planning Director, or by motion of the Planning Commission or City Council, or by an application signed by an owner or authorized representative of the property affected.

#### c. Rezoning.

An unincorporated area may be rezoned to determine the zoning that will apply in the event of subsequent annexation to the City. May be initiated by the Planning Director, or by motion of the Planning Commission or City Council, or by an application signed by an owner or authorized representative of the property affected.

**SEC. 10-1.3420 APPLICATION FORM AND SUBMITTAL.**

An application for an amendment shall be submitted as specified in Section 10-1 .28 15.

**SEC. 10-1.3425 PLANNING COMMISSION PROCEDURES.**

- a. The Planning Commission shall hold a public hearing on all text amendments, reclassifications and rezonings . No public hearing shall be required for interim zoning. Notice shall be given pursuant to Section 10-1.2820, except that for text amendments notice shall be published at least 10 days prior to the hearing in a newspaper of general circulation published and circulated in the City of Hayward, in lieu of notice by mail.
- b. The Planning Commission may recommend approval of or deny a text amendment, reclassification, or rezoning to the City Council. Recommendations for approval shall be based upon all the following findings:
  - (1) Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;
  - (2) The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans;
  - (3) Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and
  - (4) All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

**SEC. 10-1.3430 CITY COUNCIL PROCEDURES.**

- a. The City Council shall hold a public hearing on each Planning Commission recommendation for approval of a text amendment, reclassification, or rezoning. Notice shall be given pursuant to Section 10-1 .2820, except that for text amendments, notice shall be as described in Section 10-1 .3425.
- b. The City Council may approve, modify or disapprove any text amendment, reclassification or rezoning . The Council's decision, except for interim zonings, shall be based on the findings in Section 10-1. 3425.

**SEC. 10-1.3435 APPEALS.**

- a. The decision of the Planning Commission to disapprove a text amendment, reclassification or rezoning, may be appealed to the City Council, in accordance with the appeals process detailed in Section 10-1.2845. Notice shall be given pursuant to Section 10-1.2820, except that for text amendments, notice shall be as described in Section 10-1 .3425.
- b. The City Council may approve, modify or disapprove any text amendment, reclassification or rezoning . The Council's decision, except for interim zonings, shall be based on the findings in Section 10- 1.3425.

- c. In the event significant new evidence, which may include substantial changes in the subject matter is presented in conjunction with the appeal, the Council may refer the matter back to the Planning Commission for further consideration and a decision or recommendation.

**SEC. 10-1.3440 EXPANDED AREA OF CONSIDERATION.**

When, in the opinion of the Planning Director or upon direction of the Planning Commission or City Council, it is determined an area subject to reclassification consideration should be expanded to fulfill the findings specified in Section 10-1.3425, the procedure required for approval is the same as specified for the Planning Commission in Section 10-1.3425 and City Council in Section 10-1.3430. Said expansion may be initiated by the Planning Director, Planning Commission, or City Council. Final reclassification may include all, a portion, or none of the expanded area.

**SEC. U-1.3445 REAPPLICATION.**

An application for reclassification cannot be considered within one year from the date of the last official action taken unless prior to that time the Planning Director finds that new evidence or a change of conditions justifies reconsideration.

**SEC. W-1.3450 RECLASSIFICATION. CONDITIONS ATTACHED OR ATTACHABLE.**

Conditions of approval for reclassification shall not be cited in ordinances of reclassification. Whenever prerequisite conditions are deemed necessary, ordinances of reclassification shall not be finally acted upon until provisions for compliance have been made.

**SEC. W-1.3455 PREZONING TIME LIMIT.**

If, within two years of City Council approval of a prezoning, the subject area has not yet been annexed to the City, the approval is subject to reconsideration by the Planning Commission and the City Council.

**SEC. 10-1.3460 EFFECTIVE DATE.**

In the case of an ordinance relating to a reclassification or prezoning, the decision of the City Council shall become effective upon adoption of the ordinance. In the case of an ordinance relating to a text amendment, the decision of the City Council shall become effective 30 days after adoption of the ordinance.



## **APPENDIX "A" DEFINITIONS**

### **SEC. 10-1.000 DEFINITIONS**

**SEC. 10-1.005 GENERAL.** For the purposes hereof certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from their context that a different meaning is intended.

#### **SEC. 10-1.010 USES AND ACTIVITIES DEFINED.**

1. **ABUTS, ABUTTING, ADJACENT.** Having a common property line or district line or separated only by a private or public street, alley or easement.
2. **ACCESS.** Safe, adequate, usable, and legal ingress or egress to a property or use.
3. **ACCESSORY BUILDING.** A detached, subordinate building or structure, the use of which is subordinate, and incidental to a lawfully permitted principal use or main building on the same lot and not used for sleeping quarters.
4. **ACCESSORY USE.** A use which is subordinate and incidental in height, bulk, volume and/or use to the lawfully permitted principal use on the same lot, and which does not alter the essential characteristics of said principal use and is in keeping with other uses permitted in the same district. Examples include:
  - (a) a garage, carport, shed, or building for domestic storage;
  - (b) a children's playhouse, gazebo, greenhouse, pool or recreation building;
  - (c) storage of merchandise normally carried in stock on the same lot with any retail service or business use;
  - (d) storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities; and
  - (e) off-street parking.
5. **AGRICULTURAL DISTRICT (A).** A land use zoning district which preserves agricultural areas until such time as a change in zoning and land use designation occurs and orderly urban development may take place.
6. **AGRICULTURE.** The tilling of soil, horticulture, floriculture, viticulture, raising crops, livestock, farming, dairying, animal husbandry, including all uses customarily accessory and incidental thereto; but excluding slaughter houses, fertilizer works, bone yards, commercial feeding of garbage or offal to swine or other animals, or plants for the reduction of animal matter.

7. AIR TERMINAL DISTRICT (AT). A land use zoning district within which land uses may develop which provide commercial, industrial, and public land uses that are aviation-oriented. See Section 10-1.1900. This District includes the following Subdistricts:
  - (a) Air Terminal - Operations (AT-O)
  - (b) Air Terminal - Industrial Park (AT-IP)
  - (c) Air Terminal - Aviation Commercial (AT-AC)
  - (d) Air Terminal - Commercial (AT-C)
  - (e) Air Terminal - Recreational (AT-R)
  - (f) Air Terminal - Medium Density Residential (AT-RM)
8. ALLEY. A public way, less than **16** feet in width, but not less than 10 feet in width, which has been dedicated for public use.
9. ALTERATION. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in the appearance of any building or structure.
10. AMBULANCE SERVICE. Any business which provides a facility for emergency medical team staff members (**EMTs**), and which dispatches ambulances for emergency response. Usually located on major arterial streets where there is no detrimental impact to residential areas due to noise and parking.
11. AMUSEMENT FACILITY. See "RECREATIONAL FACILITY" or "COMMERCIAL AMUSEMENT FACILITY."
12. ANIMAL FANCIER. A person or persons which use a lot, building, structure, enclosure or other premises to house and maintain more than four livestock animals (i.e., horses, goats), or more than four household pets (i.e., dogs or cats) up to 12 maximum, each of which is over the age of four months, for the following purposes:
  - (a) For showing in recognized shows (i.e., horse shows, dog shows, County Fair exhibits), or applicable obedience or field trials.
  - (b) For working or hunting.
  - (c) For improving the variety or breed with a view to exhibition in shows and trials.
  - (d) For household pets.
  - (e) Such activity requires an "Animal Fancier's Permit" from the City Animal Services Bureau. For the purposes hereof, the breeding and sale of a litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.
13. ANIMAL HOSPITAL. Any buildings or portion thereof designed or used for the care, observation or treatment of cats, dogs or other household pets, with incidental boarding. (Also referred to as Veterinary Hospital)
14. ANIMAL, EXOTIC. Any animal, pure or hybrid, which is generally considered a **non**-domestic pet or livestock, that is poisonous; must be permitted by the State of California; has the propensity to be dangerous or aggressive to humans or other animals, is required to have an "Animal Fancier's Permit" from the City Animal Services Bureau.

15. ANTENNA. A device for transmitting or receiving radio, television, telecommunication, or any other transmitted signal. Usually mounted on a tower and/or rooftop. (Refer to Article 13, of Chapter 10 of the Hayward Municipal Code, the Antenna and Telecommunications Facilities Ordinance, for regulations of antennas, satellite dishes and telecommunications devices.)
16. ANTIQUE STORE. A store engaged in the retail sales of goods, primarily works of art, furniture, or decorative objects, having the qualities of age or long existence or indicative of a specific period of craftsmanship and design. An antique store may include the retail sales of "collectible" items, which are goods typically associated with a hobby (for example, stamps, dolls, or similar memorabilia).
17. APPLIANCE REPAIR SHOP. An establishment engaged in the servicing and repair of home appliances (washers, dryers, etc.), including electronic appliances (televisions, video cam recorders, stereos, computers, etc.), with all materials and goods maintained within a building.
18. APPLIANCE STORE. An establishment engaged in the retail sales of home appliances and electronic appliances. These may include but not be limited to washers, dryers, refrigerators, microwave ovens, stoves, televisions, video cam recorders, stereos, cellular phones, beepers, and computers. May include ancillary repair.
19. ARCHITECTURAL SERVICE. An office that is occupied by an architect and their support staff and services (i.e., blueprint machine, computers, etc.) Also refer to "ENGINEERING SERVICE" and DRAFTING SERVICE."
20. ART AND ART SUPPLIES STORE. An establishment engaged in the display and retail sales of art (i.e., paintings, sculpture) and art supplies (canvases, paints, easels, frames, etc.)
21. ARTIST'S LOFT. A live and work situation where a resident artisan lives, and displays and sells their work on a non-first floor level.
22. AUCTION. An establishment engaged in the public sale of commodities and/or property, excluding automobiles, to the highest bidder.
23. AUTOMOBILE BROKERAGE OFFICE. The business of engaging in, for a commission or fee, bargaining or negotiating between a potential purchaser of a vehicle(s) and another automobile sales establishment(s) for wholesale purchase of a vehicle(s). For purposes of this ordinance, an automobile brokerage office consists of an office with no display or storage of vehicles for sale other than a maximum of two spaces which may serve to temporarily store the vehicle(s) which has been already secured for the purchaser of the vehicle(s). May include motorcycles, mopeds or other similar vehicles.
24. AUTOMOBILE DISMANTLING FACILITY. An establishment engaged in taking apart vehicles for storage, retail, recycling, or wholesale purposes.
25. AUTOMOBILE PARTS STORE. An establishment engaged in the retail sales of a variety of parts for vehicles of any kind.
26. AUTOMOBILE RENTAL. An establishment engaged in the rental and leasing of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies,

including storage of said vehicles.

27. **AUTOMOBILE REPAIR**

- (a) **Automobile Repair - Minor.** Minor automotive servicing and replacement of parts for passenger automobiles and/or motorcycles, usually in the same day. Services include, but are not limited to, engine tune-up, lubrication, and tire, muffler, brake, and electrical.
- (b) **Automobile Repair - Major.** Repair garages and specialty establishments for motorcycles, and passenger automobiles and trucks of all sizes, such as machine, tire, body and fender, auto glass, radiator, transmission, motor tune-up, vehicle upholstery, and muffler shops. May also include repair of machinery and equipment.
- (c) **Home repair - minor adjustments or the replacement of vehicle parts where such adjustments or replacement may reasonably be expected to be accomplished within a forty-eight (48) hour period.** No permit is required for such minor adjustments or replacement. Also see Section 10-1.2735.k. "Vehicle Parking, Repair, Display and Storage Requirements."

28. **AUTOMOBILE SALES** An establishment engaged in the retail sales and services of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies. May include farm or industrial equipment, machinery, and supplies.

29. **AUTOMOBILE SERVICE STATION**. A structure or area primarily designed and used for the retail sale of motor vehicle fuel and lubricants to the public by direct delivery into the user's vehicle and may include incidental motor vehicular services such as tire repair, battery charging, brake adjustment, motor tune-up' and washing where no conveyor, blower or steam cleaning device is used. Sale of food, beverages and related items as determined by the Planning Director is permitted in conjunction with an automobile service station within commercial zoning districts.

30. **AUTOMOBILE STORAGE FACILITY**. An establishment engaged in the storage of new passenger automobiles, passenger trucks, motorcycles, or similar vehicles for the purposes of future retail sales at a separate location.

31. **BANK**. See "FINANCIAL INSTITUTION. "

32. **BANQUET HALL**. An establishment engaged in periodic events such as weddings, dances, and potlucks. Typically is rented out to private parties and/or special interest groups. Usually includes food preparation and/or serving, and live entertainment or recorded music.

33. **BAR, COCKTAIL LOUNGE**. An establishment where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food. Also referred to as a night club or tavern. Please see Section 10-1.2735.b. "Alcoholic Beverage Outlets" for regulations.

34. **BARBER, BEAUTY SHOP**. An establishment where hair is washed, cut, dyed, and/or styled. May include ancillary services such as manicures or pedicures. Does not include massage or tanning services.

35. BEDROOM An enclosed habitable space in a structure which is (a) designed primarily for sleeping purposes, (b) which meets the room dimension requirements of the most recent edition of the Uniform Building Code, and (c) contains a closet and one or more windows.
36. BICYCLE SHOP. An establishment engaged in the retail sales and/or repair of bicycles. Does not include motorcycles or mopeds.
37. BOARDING HOME. A building where lodging or meals are provided for compensation for residents not functioning as a common household, usually for compensation.
38. BOOKSTORE. An establishment engaged in the retail sales of books, either used and/or new. May include a small area for coffee and bakery items (10% or less of floor area).
39. BREWERY - LIQUOR DISTILLERY. A plant where malt liquors or wines are manufactured and stored. Also see "MICRO-BREWERY."
40. BROADCASTING STUDIO. An establishment where sound or images are transmitted by radio or television to the public.
41. BUILDABLE AREA. The space remaining on a zoning plot within which a building may be erected after the minimum lot and yard requirements of this Ordinance have been satisfied, notwithstanding all other applicable guidelines and Subdivision Map Act requirements of steeply sloped or unstable areas.
42. BUILDING. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, and which is designed or intended for the shelter, enclosure or protection of persons, animals or property of any kind. Also defined as follows:
- (a) "Completely enclosed building" means a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
  - (b) "Detached or accessory building" means a building separated by at least six feet of space open to the sky from any other building on the same zoning plot.
  - (c) "Existing building" means a building erected prior to the effective date of this title, or one for which a legal building permit has been issued.
  - (d) "Primary building" means a building in which is conducted the primary use of the lot on which it is situated.
  - (e) "Public building" means a building principally occupied by the federal, state, county, or city government, or any political subdivision agency, or instrumentally thereof.
  - (f) "Temporary building" means a building not permanently attached to the ground by fixed foundation, piers or substructure.
43. BUILDING HEIGHT. The vertical distance at any point from the finished grade or existing grade, whichever is lower, to the highest point of the coping of a flat roof, to the top roof line of a mansard roof, or to the midpoint of the highest gable of a pitched or hip roof. Where unusual deviations occur on the existing grade, such as a small swale, the Planning Director may make minor adjustments in the building height envelope to permit reasonable building design

consistent with the intent and purpose of the building height standard. Graded area entirely under a building and not visible from the exterior of the building, such as underground garages and basements, shall not be included for purposes of calculating height.

44. BUILDING MATERIALS (SALES). An establishment engaged in the retail and wholesale sales of building materials such as lumber, masonry products, rock, soil, tile, and other similar materials needed to construct a structure and/or accessory structures and uses (fences, paved areas, retaining walls).
45. BUSINESS PARK DISTRICT (BP). A land use zoning district intended to provide for establishment of high quality business office parks in a campus environment at key locations within the Industrial Corridor. See Section 10-1. 1700.
46. CAMERA STORE. An establishment engaged in the retail sales of cameras and photographic supplies. May include ancillary repair.
47. CARD CLUB. Any building or structure, or any portion of a building or structure, wherein any person or persons are permitted to play a card game in return for a fee, charge, or other compensation. Refer to Chapter 4, Article 3 of the Hayward Municipal Code for regulations.
48. CARNIVAL. An establishment providing one or more non-coin-operated powered amusement rides, or providing two or more uses such as a tent, freak, or side show, a feat of daring, or an exhibition of two or more wild animals except within a public park or zoo, or providing other similar uses.
49. CARPET/DRAPERY STORE. An establishment engaged in the retail or wholesale sales of carpets and drapes. Does not include on-site manufacturing.
50. CARPORT. A permanent roofed structure not completely enclosed on the sides and used for vehicle parking.
51. CAR WASH. An establishment engaged in the washing of passenger vehicles for a fee.
52. CATERING FACILITY. An establishment engaged in the preparation of food to be served at an event held off-site, usually at a banquet hall or private facility.
53. CATERING TRUCK. A commercially licensed motor vehicle, approved by the Alameda County 111, Department of Environmental Health Services, and the City of Hayward Police Department, from which food and beverages are sold, distributed, or otherwise provided to consumers on private property and which travels from place to place to conduct its operation. Does not include a Food Vendor cart. See Section 10-1.2735.c. for regulations.
54. CENTRAL BUSINESS DISTRICT (CB). A land use zoning district within which commercial and retail land uses may develop which provide a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity. See Section 10-1. 1300.

55. CENTRAL CITY DISTRICT (CC). A land use zoning district in the center of the City, within which land uses may develop which promote the development of the downtown. These land uses include business, government, cultural, financial, residential, office, and entertainment uses. See Section 10-1.1500. This District includes the following Subdistricts:
- (a) Central City - Commercial (CC-C).
  - (b) Central City - Residential (CC-R).
  - (c) Central City - Plaza (CC-P).
56. CHECK CASHING STORE. An establishment primarily engaged in the cashing of checks for customers who usually do not have a checking account at a bank or other financial institution. Is commonly found in areas with easy access and high visibility.
57. CHRISTMAS TREE AND PUMPKIN PATCH LOTS. Seasonal establishments engaged in the retail sales of Christmas trees and pumpkins. See Section 10-1.2735.d. for standards.
58. CITY COUNCIL. The City Council of the City of Hayward, California.
59. CLOTHING STORE ("APPAREL"). An establishment engaged in the retail sales of new clothing, such as shoes, hats, dresses, shirts, etc. For used clothing, see "THRIFT STORE."
60. COMMERCIAL AMUSEMENT FACILITY. A facility offering entertainment open to the public for a fee or by membership subscription, for example, ticket, door charge, amusement device fee. Said facility shall include, but not be limited to, theaters, arcades (place of business containing five or more amusement devices), billiard parlors, golf courses (including miniature golf), water slides, indoor soccer, batting cages, and bowling facilities. Four (4) or less manually or coin- or token- or slug-operated viewing or electronic or video game machines or other amusement devices (excluding jukeboxes) located in association with other permitted uses and activities such as, but not limited to, taverns, restaurants, book stores, grocery stores, motels, hobby shops or toy stores, music or stereo stores, laundromats, barber or beauty shops, or computer stores shall be considered accessory to the permitted use.
61. CONCESSION STAND. A small, ancillary retail use that provides food and beverages to a primary land use. May include light cooking and heating of food commodities.
62. COMMERCIAL OFFICE (CO). A land use zoning district within which administrative, professional, businesses and financial office land uses may exist, yet which are not detrimental to the residential use of adjacent properties. See Section 10-1. 1100.
63. COMMERCIAL RETAIL DISTRICT (BP). A land use zoning district intended to provide for limited retail, service, and office commercial uses which serve the needs of workers within the Industrial Corridor. See Section 10-1. 1400.
64. CONVALESCENT HOME. An establishment in which nursing, dietary and other personal services are furnished twenty-four (24) hours a day to convalescents, invalids, or the aged who **are unable to or no longer want to care for themselves in a more traditional setting**. Also referred to as nursing homes or intermediate care facilities. Does not include institutions which care for persons suffering from a mental disorder or communicable disease, or which offers surgery, maternity or other primary treatments.

65. **CONVENIENCE MARKET.** A retail food market which is typically less than 2,500 square feet in gross floor area and which caters to customers who buy a small number of items, is typically part of a larger chain or franchise system, often with long hours of operation, and as determined by the Planning Director.
66. **CONSTRUCTION TRAILER.** A temporary trailer used as an office, or an office/quarters combination with quarters for one security guard in connection with ongoing construction work associated with new construction of industrial, commercial, or multi-family development. See Section 10-1.2735.c.
67. **COPYING OR REPRODUCTION SERVICE.** An establishment which provides printing services to customers. Typically includes blueprint machines, reproduction machines, paper goods, and binding services (spiral binding, glue binding, stapling, etc.) Also see "NEWSPAPER PRINTING FACILITY. "
68. **COURTYARD.** The word "courtyard" shall mean an open unoccupied space bounded on two or more sides by the walls of a building. An inner courtyard is a court entirely within the exterior walls of a building. All other courts are outer courts.
69. **CULTURAL FACILITY.** Facilities maintained to develop, promote, or foster the arts or literature, as well as a clubhouse, lodge hall, and fraternal society meeting places, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses.
70. **DANCE STUDIO.** An establishment where dance classes and dance recitals are performed to recorded music.
71. **DAY CARE CENTER.** A facility which provides non-medical care to 15 or more children and/or adults in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. May include pre-schools, infant centers, and extended day care facilities.
72. **DAY CARE HOME.** A single family residence which is occupied and used as such and provides **nonmedical** day care on less than a 24-hour basis to children and/or adults. Day care home must be State-licensed, and may be either one of the following:
- (a) **Small Day Care Home.** The use of a single family residence to provide day care to eight (8) or fewer persons, including any children under the age of 10 years who reside at the home.
  - (b) **Large Day Care Home.** The use of a single family residence to provide day care to 8-14 persons, including any children under the age of 10 years who reside at the home.
73. **DISTRIBUTION FACILITY..** An establishment which distributes, stores and warehouses commodities and goods for the purposes of marketing or merchandising at wholesale or retail.
74. **DISTRICT.** Means a zoning district established under the provisions of the Zoning Ordinance.

75. DORMITORY. A residence hall providing sleeping rooms, bathrooms, study and recreation rooms and a common kitchen for students.
76. DRAFTING SERVICE. An establishment which performs drafting services such as drawing of site plans or construction drawings of buildings. Is usually accompanied by drafting tables and blueprinting machines. Also refer to "ARCHITECTURAL SERVICE" and "ENGINEERING SERVICE."
77. DRIVE-IN ESTABLISHMENT. An establishment which accommodates the patrons' and their motor vehicles from which the occupants may watch, purchase or receive goods or services (i.e., a drive-through restaurant, drive-through coffee shop, drive-in theater, drive-up photo finishing, car wash, gas station, mini-mart with gas, automobile lubrication facility, etc).
78. DRY CLEANER/LAUNDRY. A dry cleaner/laundry is open to the general public for dry cleaning/laundry purposes. For purposes of this ordinance, a dry cleaner/laundry excludes a dry cleaning/laundry plant which serves solely to dry clean clothing processed for other dry cleaners and not open to the general public.
79. DWELLING UNIT. One or more rooms with a single kitchen, arranged, designed, used, or intended to be used exclusively for living and sleeping purposes by one family as an independent housekeeping unit. Other definitions include the following:
- (a) Multiple-family dwelling: Any building, group of buildings, or portion thereof which includes two or more dwelling units. See Sections 10-1.400 and 10-1.500 for requirements.
  - (b) Single-family dwelling: A detached building containing only one dwelling unit. See Section 10- 1.200 for requirements.
  - (c) Second Single-family dwelling: A second single-family dwelling permitted on a parcel where there is one existing single-family dwelling already, provided minimum lot size and setbacks can be met for both dwellings separately. See Section 10-1.215.b.(1)(b) for requirements.
  - (d) Second dwelling, Attached: A second dwelling 'attached to an existing owner-occupied single-family dwelling which may be rented and contains no more than 640 square feet and no more than one bedroom. Also referred to as a "granny unit." See Section 10-1.245.n for requirements.
80. EDUCATIONAL FACILITY. Facilities maintained to provide instruction to students for the purpose of developing their faculties and powers, and ancillary activities as determined by the Planning Director: and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May include trade schools, a beauty college, or business college.
81. ENGINEERING SERVICES. An establishment which provides engineering services (i.e., structural calculations, construction drawings, consultation, etc.). Usually includes office and drafting equipment, including blueprint machines. Also refer to "ARCHITECTURAL SERVICES" and "DRAFTING SERVICES."

82. ENVIRONMENTAL DOCUMENT. Information within a written document which evaluates the environmental effects of a proposed project as required by the current City of Hayward and the California Environmental Quality Act (CEQA) environmental review guidelines.
83. ESTABLISHMENT. A separate place of business having the following characteristics:
- (a) The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishment on the same or adjacent site;
  - (b) Direct public access is separate and distinct from direct access to any other business establishment;
  - (c) There is no direct public access from within such establishment to any other such establishment.
84. EQUIPMENT RENTAL SERVICE. An establishment which rents machinery and equipment for a fee. May also include minor repair of equipment.
85. FABRIC STORE. An establishment which offers such commodities as fabrics, threads, and other sewing notions for sale at retail. Usually includes retail sales of sewing machines and craft items (silkscreening equipment, fabric paint; needlepoint materials, ribbons, etc.), and may include classes associated with the use of these commodities.
86. FAMILY. One or more persons living together as a single housekeeping unit, as distinguished from a group living in a boarding house, hotel, motel, or group or institutional living quarters such as a group home, day care home, or convalescent home.
87. FARMER'S MARKET. A periodic event where fresh produce, flowers, and hand made craft items are sold at retail. Typically held in a downtown area, outside.
88. FENCE. A linear structure constructed or erected to a maximum height of 6 feet unless otherwise provided herein, and which requires permanent location on the ground or is attached to something having location on the ground. Building materials used for a fence may include but are not limited to boards, bricks, wrought iron, chain link, or blocks, and do not include landscaping, such as hedges, bamboo sticks or bushes, and trees.
89. FENCE, HEIGHT OF. A height measured from ground level (or top of retaining wall) to top of fence. On sloping sites with a stepped fence, height may be measured at the midpoint of each fence section .
90. FINANCIAL INSTITUTION. An establishment which provides services to meet the financial needs of its customers (i.e., checking account services, mortgage broker services, etc.) Also refer to "CHECK CASHING STORE. "
91. FIREARMS SALES. A person or entity engaged in the business of selling, transferring, or leasing; or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm and/or ammunition, either directly or indirectly; and/or engaged in the retail sale of ammunition, as defined in Hayward Municipal Code Section 6-1 1.01(d).

92. FLEA MARKET. One or more vendors selling new or used merchandise at retail, within a structure **or** open air setting where no individual building walls separate uses, or where sales areas are within **stalls** which are smaller in size than typical retail spaces, and that the character of the business is that typically associated with a flea market, and as determined by the Planning Director.
93. FLOOD PLAN (FP). A land use zoning district within which land is subject to tidal or flood water inundation. See Section 10-1 .2100.
94. FLOOR AREA, GROSS. The area included within the surrounding walls of a building or portion thereof, exclusive of vent shaft, eaves, overhangs, atriums, covered entries and courts and any portion of a structure above ground used for parking, parking aisles or loading areas.
95. FLORAL SHOP. An establishment which provides flowers and floral arrangements at retail. Usually includes refrigeration units to keep flower fresh, and delivery vans.
96. FRONTAGE. See "Lot Frontage. "
97. FURNITURE STORE. An establishment engaged in the retail sales furnishings. These usually include chairs, tables, couches, beds, and accessories for the home. All activities occur within an enclosed structure.
98. GARAGE. A fully enclosed and covered attached or detached structure accessory to a residential use intended for storage of one or more motor vehicles used by the occupants of the premises.
99. GARDEN SUPPLIES STORE. An establishment which provides supplies for gardening at retail. This usually includes flower and vegetable seeds, fresh flowers and vegetable plants, grass sod, soil, and tools, and typically includes a screened-in outdoor display and servicing area.
100. GENERAL COMMERCIAL DISTRICT (CG). A land use zoning district within which general commercial and retail land uses may develop which provide services for the support of primary business activities in the Central City District. See Section 10-1.1000.
101. GENERAL REGULATIONS. Specific regulations which apply to all zone districts and to all uses permitted in the districts. The regulations are found in Section 10-1 .2700 of this Zoning Ordinance, and are intended to amplify and to supplement district regulations.
102. GOLF COURSE. A publicly or privately owned area of land laid out for the game of golf with a series of 9 or 18 holes each. Usually includes a club house and maintenance building. May include retail sales relating to golf (pro-shop) and a restaurant/bar.
103. GRADE. The degree of rise or descent of a sloping surface (also see "SLOPE").
- (a) Finished Grade. The final elevation of the ground surface after completion of all site preparation work or after development.
  - (b) Existing grade. The ground elevation prior to grading for construction. Where walls are parallel to and within five feet of a sidewalk, the above-ground level grade shall be

measured at the sidewalk.

104. GRANNY UNIT. See " Second Dwelling, Attached. "
105. GROUP HOME. A family home, group care facility, or residential care facility for the elderly, foster home, alcohol and/or drug recovery facility, intermediate care facility or similar facility, for twenty-four (24) hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.
106. GUN SHOP. See "FIREARMS SALES. "
107. HARDWARE STORE. An establishment which provides a variety supplies and materials used for small construction or repair projects, at retail.
108. HAZARDOUS MATERIAL. A gas, material, or substance capable of posing a risk to health, safety, or property; provided, however, use of hazardous materials contained in consumer-sized containers purchased solely for on-site maintenance activities shall not be considered a hazardous materials use for the purpose of these regulations. The Fire Chief or his or her designee has the exclusive authority to develop and apply regulations which determine which, if any of the Group A, B, or C and included categories utilized in the Industrial District regulations is applicable to a user of any hazardous materials; such regulations may include reference to federal and state law, standards, and regulations applicable to hazardous materials. Hazardous materials which belong to more than one group or category shall be subject to the most stringent regulations. In addition to the following please classifications refer to specific Zoning Districts for hazardous materials land use requirements.
  - (a) Hazard A Hazardous materials which include any of the following:
    - (i) Explosives and blasting agents;
    - (ii) Reactive materials;
    - (iii) Unstable materials;
    - (iv) Radioactive materials;
    - (v) Class 3 and 4 oxidizing materials;
    - (vi) Poisonous or toxic materials;
    - (vii) Corrosive, poisonous, or unstable gases;
    - (viii) State of California restricted hazardous wastes, including substances classified as extremely hazardous wastes.
  - (b) Hazard B Hazardous materials which include any of the following:
    - (i) Flammable liquids, namely liquids that have a flashpoint below 100° Fahrenheit
    - (ii) Flammable solids;
    - (iii) Class 1 and 2 oxidizing materials;
    - (iv) Flammable or oxidizing gases;
    - (v) Corrosive materials.
  - (c) Hazard C Hazardous materials which include any of the following:
    - (i) Combustible liquids, namely liquids that have a flashpoint at or above 100° Fahrenheit.

- (ii) Inert gases.
  - (iii) Other regulated materials referred to in the following sources except Group A or B hazardous materials:
  - (iv) 49 Code of Federal Regulations section 173.500, including amendments or successors thereto; and
  - (v) Hayward Municipal Code Section 3-8.06 except those materials exempted by Hayward Municipal Code Section 3-8.07, including amendments or successors to such provisions.
109. HEALTH CLUB. An establishment which provides physical fitness equipment, classes, and facilities such as racket ball and tennis courts and/or swimming pools for patrons to use for a fee. (Also see "PHYSICAL FITNESS STUDIO" for a smaller version of this type of facility.)
110. HIGH DENSITY RESIDENTIAL DISTRICT (RH). A land use zoning district which allows the development of multiple-family dwellings at a high density. See Section 10-1.500.
111. HOME OCCUPATION. Any occupation conducted within the living area of a dwelling unit by persons residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Also referred to as a "Mail and Telephone Business Listing." A home occupation shall comply with the following standards :
- (a) does not display or sell any commodities except those produced on the premises;
  - (b) does not use any accessory building, garage, yard space, or activity outside of the dwelling unit;
  - (c) does not generate a character and volume of vehicular traffic not normally associated with residential use;
  - (d) does not involve the use of more than 10 percent or more than 200 square feet of floor area of the dwelling unit, whichever is less;
  - (e) does not display signs or other matter which would indicate a business is operating within the home;
  - (f) does not allow for more than two customers/clients to visit the home each day and customers/clients are limited to visiting the house between the hours of 8 a.m. and 9 p.m.;
  - (g) where no repair work is permitted;
  - (h) where at least one parking stall is available for guest parking either in the driveway or on the street in front of the residence; if customers/clients visit the premises;
  - (i) where no employees, other than residents of the home, come to or work from the home; and
  - (j) which requires all applicable building and fire codes to be met.
112. HOME OCCUPATION - EXPANDED. An expansion of the provisions of or variance to a home occupation as defined in definition #109, regarding numbers of customers, hours of operation, sale of commodities produced on the premises, and minor repair only.
113. HOMELESS SHELTER. An institution which provides meals and a place to sleep at night for persons who otherwise have no means to obtain food and shelter. Such an institution is closed during the daylight hours, providing food and shelter only at night.

114. HOSPITAL. An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients for twenty-four hours or more. The term "hospital," as used in this title, does not apply to institutions operating solely for the treatment of mentally ill persons, drug addicts, liquor addicts, or other types of cases necessitating confinement of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.
115. HOTEL. A building where lodging with or without meals is provided to the general public for compensation typically on a nightly basis, and where no provision is made for cooking in any individual guest room or suite, but shall not include institutions where human beings are detained under legal restraint.
116. HOUSEHOLD PETS. See "PETS, HOUSEHOLD. "
117. INDUSTRIAL DISTRICT (I). A land use zoning district within which industrial land uses may develop to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties. See Section 10- 1.1600.
118. INDUSTRIAL EQUIPMENT SALES. An establishment which provides industrial equipment and related commodities to the public for sale at retail. Such equipment includes large truck and trailer rigs, fork lifts, conveyor belts, and loading dock facilities.
119. INTERIOR DESIGN STUDIO. An establishment which provides a small showroom and consultation services to assist businesses and/or homeowners in decorating the interior appearance of their business and/or home.
120. JEWELRY STORE. An establishment which provides jewelry, watches, gemstones, and other related commodities to the public for sale at retail. Typically includes jewelry and/or watch repair and cleaning services.
121. KENNEL. A lot, building, structure, enclosure or premises where one or more dogs, cats, or other household pets are kept for commercial purposes, including boarding, breeding of more than one litter per year and/or a litter every year, sale of goods or animals, or the rendering of services for profit. For the purposes hereof, the breeding and sale of the litter of animals kept and maintained as household pets and/or maintained by an animal fancier, shall not be deemed and considered a commercial kennel, provided they are less than one litter per year and litters do not occur every year.
122. KITCHEN. A definable area or room for food preparation, typically consisting of a permanent cooking appliance for use in food preparation, a refrigerator, cabinets, and a sink, usually in close proximity to one another.
123. LABORATORY. See RESEARCH LABORATORY. "
124. LANDSCAPING. An area devoted to or developed and maintained predominantly with native or exotic plant materials including lawn, groundcover, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, paved or decorated surfaces (excluding driveways, parking, loading, or storage areas), and sculptural elements.

125. LIGHT MANUFACTURING, PLANNING/RESEARCH AND DEVELOPMENT DISTRICT (LM). A use zoning district intended to provide limited manufacturing and other light industrial uses within the Industrial Corridor which are compatible with business parks and adjacent residential areas. See Section 10-1. 1800.
126. LIQUOR STORE. An establishment which sells to the public at retail, alcoholic beverages in original, unopened packages for consumption off of the premises where sold. See Section 10-1.2735.b. for regulations of alcohol.
127. LIVESTOCK. Domesticated farm animals kept for use or profit (See Section 10-1.2735.f. for regulations of livestock) and further defined as follows:
- (a) Large Livestock. Horses, cattle, sheep, goats, and pigs or similar small animals, as determined by the Planning Director.
  - (b) Small Livestock. Chickens, ducks, pigeons, rabbits, or similar small animals, as determined by the Planning Director.
128. LOT. A recorded parcel of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon. The classification of lots are as follows:
- (a) Average Lot Width. The mean horizontal distance between the longest lot lines of lots having regular geometric design, such as rectangular and parallelogram lots, and in the case of lots of irregular design, shall mean the diameter of the largest horizontal circle inscribable completely within lot boundaries.
  - (b) Corner Lot. A lot at the intersection of two or more streets which has an angle of intersection of 135° or less. Where the angle of intersection exceeds 135°, the area abutting the two streets shall be a front yard.
  - (c) Flag Lot. A parcel of land where the buildable portion of the lot is via a narrow extension of the lot (access strip) to a public or approved private street, utilizing a private or privately shared travelway. The area within an access strip shall not be counted as part of the lot area for purposes of complying with minimum lot area requirements.
  - (d) Interior Lot. A lot other than a corner lot.
  - (e) Lot Coverage. The area of a lot enclosed by exterior walls or similar roof-supporting devices of all structures, including accessory structures and patio covers.
  - (f) Lot Depth. The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line. In instances of a cul-de-sac where the front lot line is curved, the lot depth shall be measured off a drawn line which connects the two side lot lines that intersect the cul-de-sac.
  - (g) Lot Frontage. The common property line of a lot and the right-of-way line of a street.

- (h) Lot Line. Any boundary of a lot. The classifications of lot lines are:
- (i) Front. A line separating the lot from the street right-of-way. In the case of a corner lot, the owner may designate the front lot line of said lot at the time of initial construction of the primary use.
  - (ii) Rear. The lot line which is opposite and most distant from the front lot line; and in the case of an irregularly shaped lot, a line 10 feet in length within the lot, and any line closest to being parallel to and at the maximum distance from the front lot line.
  - (iii) Side. Any lot line not a front lot line or a rear lot line.
- (i) Lot Size (or lot area). The total horizontal area within the lot lines of a lot, with the exception of flag-shaped lots where the lot area shall be calculated excluding the stem of the lot.
- (j) Through Lot. A lot having frontage on two approximately parallel streets.
- (k) Zero Lot Line. The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.
129. LIMITED ACCESS COMMERCIAL {CL}. A land use zoning district within which commercial uses may develop which normally tend to locate apart from standard commercial areas or service industries, or uses on highways of major importance. See Section 10-1.1200.
130. MAILING OR FACSIMILE SERVICE. An establishment which provides postal services and a facsimile machine available to the public for a fee. Typically includes packaging and weighing facilities, and may include related wrapping paper and greeting cards for sale at retail as an ancillary use.
131. MANUFACTURED HOME. A factory built or manufactured home including mobile homes, as permitted by State of California and Federal laws. A manufactured home is synonymous with a "dwelling unit" and "single-family dwelling" as described in definition #77.
132. MANUFACTURING. Repair, maintenance, preparation, compounding, processing, packing, treating, fabricating or assembling of items of any kind (i.e., electronics assembly.) May involve certain hazardous materials as defined herein (see "HAZARDOUS MATERIALS. ")
133. MANUFACTURER'S REPRESENTATIVE OFFICE. An office from which a representative of a manufactured product sells that product at wholesale or retail via telephone, mail, and/or facsimile.
134. MARKET. See "SUPERMARKET. "
135. MARTIAL ARTS STUDIO. An establishment where martial arts classes, private lessons, and demonstrations are provided to the public for a fee.
136. MASSAGE PARLOR. An establishment where body massage is provided to members of the public for a fee. Refer to Section ????? of the Hayward Municipal Code for regulations.

137. MEDICAL/DENTAL LABORATORY. A facility which custom manufactures and distributes false teeth, dental crowns, braces, and other related dental equipment to dentists.
138. MEDIUM DENSITY RESIDENTIAL (RM). A land use zoning district which primarily allows the development of multiple-family dwellings at a set density and in a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible. See Section 10-1.400.
139. MICRO-BREWERY. A retail establishment where alcoholic beverages are produced and sold for consumption either on or off premises. Refer to Section 10-1.2735.b. "Alcoholic Beverage Outlets" for regulations.
140. MOBILE HOME Same as "Manufactured Home," but subject to the National Manufactured Housing Construction and Safety Act of 1974.
141. MOBILE HOME PARK (MH). A land use zoning district designed for, used or intended to be used for the parking and occupancy of two or more mobile homes for dwelling or sleeping purposes. See Section 10-1.700.
142. MORTUARY. An establishment engaged in the preparation of human bodies and the arrangement and holding of funeral services prior to burial or final disposition. For the purposes of this Ordinance, a mortuary may include a crematory.
143. MOTEL. A group of attached or detached buildings containing individual sleeping or living units designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.
144. MULTIPLE-FAMILY DWELLING. See "DWELLING, MULTIPLE-FAMILY."
145. MUSIC STORE. An establishment which sells musical instruments, sheet music, and related commodities to the public at retail. Typically includes repair of musical instruments.
146. MUSIC STUDIO. An establishment which provides music classes and private music lessons to the public for a fee. Typically involves piano lessons and/or guitar lessons, both acoustical and amplified, and includes occasional music recitals by the studio students.
147. NAIL SALON. An establishment which provides nail manicures and pedicures to the public at retail for a fee. Does not include massage or tanning services.
148. NEIGHBORHOOD COMMERCIAL DISTRICT (CN). A land use zoning district which is carefully located in areas throughout the City in relationship to other commercial districts and in relationship to nearby residential districts. Land uses created in the CN district are general commercial and retail uses which provide convenience goods and services purchased frequently, serving nearby residences. See Section 10- 1.800.
149. NEIGHBORHOOD COMMERCIAL - RESIDENTIAL DISTRICT (CN-R). A land use zoning district which allows a mix of neighborhood serving businesses and residences along portions of certain arterials in order to provide options for housing with ready access to shops and transit. See Section 10-1.900.

150. NEWSPAPER PRINTING FACILITY. A facility which prepares, assembles, prints, and distributes a newspaper publication, typically on a daily basis. Typically includes offices from which publication articles are written and edited, and includes a printing press operation.
151. NONCONFORMING, ILLEGAL. A structure, lot, or use which did not conform to applicable laws when constructed or initiated, and does not conform to the provisions of this Ordinance.
152. NONCONFORMING LOT. A lot, the area, frontage or dimensions of which do not conform to the provisions of this Ordinance.
153. NONCONFORMING STRUCTURE. A structure which conformed to applicable laws when constructed but does not conform to the provisions of this Ordinance.
154. NONCONFORMING USE. A use complying with applicable laws when established but does not conform to the provisions of this Ordinance.
155. NUISANCE. An activity or land use which is determined to be detrimental or incompatible with adjacent properties, adjacent property owners or users, or the general public. Refer to Section 10-1. 150.
156. NURSERY, PLANT. An establishment which grows flowers, shrubs, and trees and provides them for sale at retail to the public. Typically includes related items such as seeds, bulbs, pots, potting soil, etc.
157. OFFICE. An establishment which provides administrative services, such as business or professional services (i.e., law firm, stock broker, insurance, or real estate office), or medical or travel agency services, to the public for a fee. Office uses typically include copying and facsimile machines.
158. OPEN SPACE. Open space and recreational amenities required for site-specific for residential development. This is further defined as follows:
  - (a) Common Usable Open Space. An on-site, ground level area of lawn, pool, garden court with paving, rooftop recreational area, or recreation room accessible to all dwelling units and used by residents. The space does not include the required front or side street yard, off-street parking, driveways, service areas, or areas of more than 5 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.
  - (b) Private Usable Open Space. An on-site area of lawn, or garden court with paving, patio, deck, or balcony directly accessible only to one dwelling unit from a living and non-service area, which is not more than four feet above or below the floor level. The space shall not include the required front or street side yard, areas devoted to off-street parking, driveways, service, or areas of more than 3 percent slope. (Refer to appropriate sections of this ordinance for specific requirements.
159. OPEN SPACE/PARKS AND RECREATION DISTRICT (OS). A land use zoning district intended to promote and encourage a suitable environment devoted to parks, recreation, or passive or active open space uses for the enjoyment of all members of the community. The OS District may be used to preserve and protect land areas of special or unusual ecological or

geographic interest. See Section 10-1 .2200.

160. PAINT/WALLPAPER STORE. An establishment which provides paint, wallpaper, and related commodities to the public for a fee. Typically includes installation services.
161. PALM READING SERVICE. An establishment which provides psychic services, such as palm reading and fortune telling to the public for a fee.
162. PARCEL. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.
163. PARKING. A parking area which provides the required parking for a use in accordance with the City of Hayward Off-Street Parking Regulations (Article 2, Chapter 10, Hayward Municipal Code). The following definitions relating to parking are also provided:
  - (a) Covered Parking. Parking space(s) which are contained within a carport or garage.
  - (b) Parking Lot. An off-street area, whether open or enclosed, other than a showroom or sales lot, used to store motor vehicles on a daily basis, but not including the storage of dismantled or wrecked motor vehicles or parts thereof. A parking lot may be commercial, public, or private.
  - (c) Off-Street Parking. Parking stalls provided beyond the right-of-way of a street or highway.
  - (d) Off-Street Parking Space. Refer to the definition contained in the City of Hayward Off-Street Parking Regulations (Article 2, Chapter 10, Hayward Municipal Code)
  - (e) On-Street Parking. Parking stalls provided within the right-of-way of a street or highway.
  - (f) Open or Uncovered Parking. Parking space(s) which are not contained within a carport or garage.
164. PASSENGER TRANSPORTATION TERMINAL. A facility which provides a loading, transfer, or drop-off point for public transportation (i.e., Amtrak, BART, Greyhound, and airport.) For single passenger pick-up and drop-off, refer to "Taxi Company."
165. PAWN SHOP. An establishment which provides monetary exchange for collateral, typically personal items such as watches, jewelry, musical instruments, weapons, etc., after which the collateral item is returned to its owner after the money is repaid. Typically includes a fee and retail sales of unclaimed items.
166. PERMITTED USE. A specified use allowed in a land use zoning district and subject to the provisions applicable to that district.
167. PERSON. Any individual, business, company, corporation, both public and private, association, political or governmental subdivision or unit, or other group acting as a unit or entity.

168. PET GROOMING SHOP. An establishment which provides a grooming service of household pets to the public for a fee. Typically includes washing, hair trimming, and temporary boarding of animals being groomed (i.e., less than 24 hours).
169. PET STORE. An establishment which provides pets and pet supplies to the public for sale at retail. Pets for sale typically include dogs, cats, fish, reptiles, hamsters, birds, etc., and may include exotic pets, such as parrots, pot bellied pigs, and iguanas. Pet supplies usually include food, cages, leashes, etc. May include ancillary pet grooming.
170. PETS, HOUSEHOLD. Small animals ordinarily and customarily domesticated and permitted in a dwelling and kept for company or pleasure and not for profit, such as dogs, cats, canaries, parakeets, fish, domestic mice, rats, guinea pigs, or similar animals, as determined by the Planning Director. The keeping of more than four (4) cats or dogs requires an "Animal Fancier's Permit from the City Animal Control Officer.
171. PHOTOGRAPHIC SUPPLY STORE. See "CAMERA STORE. "
172. PHOTOGRAPHY STUDIO. An establishments where a professional photographer takes posed pictures of people for a fee at retail. Does not include retail sales of photographic supplies, except for picture frames and picture albums.
173. PHYSICAL FITNESS STUDIO. An establishment which provides physical exercise classes and/or personal one-on-one physical fitness training. Typically includes a weight room and/or an aerobics dance class room. Does not include facilities typically of the large health clubs, such as showers, a pool, racket ball or tennis courts.
174. PLANNED DEVELOPMENT DISTRICT (PD). A land use zoning district which permit a combination of land uses planned for a single tract of land to be developed as a unit according to a specific development plan approved by the City which result in efficient and attractive utilization of land in order to preserve open space areas, topographical features, ridge tops, and tree clusters. This district also permits the creation of a site-specific project which provides a mix of housing types as well as nonresidential development. See Section 10-1 .2500.
175. PLANNING COMMISSION. The Planning Commission of the City of Hayward, California.
176. PLANNING DIRECTOR. The Director of the Community and Economic Development Department of the City of Hayward, California. This includes his or her staff members as appointed to represent him or her.
177. POINT OF BUSINESS SALE. An establishment which provides retail sales of commodities via internet, telephone, facsimile, and/or mail, with less than 10 percent of gross annual sales attributable to direct and physical customer contact on-site.
178. PREMISES. A continuous area of land and any structures thereon all under a single ownership or operation under a single direction, which premises may include one or more adjacent lots, or fractions of lots.
179. PRIMARY USE. The principal or predominant use of any lot, building or structure.

180. PUBLIC AGENCY FACILITIES. Facilities, structures and accessory uses which house public agencies such as federal, state, or local government, and other agencies such as utility and telephone companies governed by the Public Utilities Commission.
181. PUBLIC PARK. A park, playground, swimming pool, reservoir, golf course, or athletic field within the City which is under the control, operation or management of the City of Hayward, Hayward Area Recreation District, Alameda County, the East Bay Regional Park District, the State of California or Federal Government. For private golf course, see "GOLF COURSE, COUNTRY CLUB."
182. PUBLIC FACILITIES DISTRICT (PF). A land use zoning district within which typical land uses include public government buildings, public libraries, public community centers, and public parking lots, whether a fee is charged or not. See Section 10-1.2300.
183. PUBLISHING FACILITY. A facility which prepares, assembles and distributes books and magazines. Typically includes offices where articles are written and edited, and includes printing press facilities.
184. ~~Quarry~~ Quarry. Premises from which any rock, sand, gravel, earth, or mineral is removed or excavated for the purpose of disposition away from the immediate premises, whether the disposition is immediate or in the future, and excepting excavations within public roads and highway rights-of-way.
185. RADIO TRANSMISSION TOWER. See "ANTENNA."
186. RAILROAD YARD. A facility where railroad cars and engines are stored, repaired, and transferred to different trains. Also includes a freight station where items carried by train are transported onto and/or from trucks for transport. Also see "PASSENGER TRANSPORTATION TERMINAL."
187. RECREATIONAL FACILITY. Those facilities maintained to provide a pastime, sport or exercise as a means to refresh one's body or mind, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses. May be a commercial or non-commercial facility.
188. RECREATIONAL VEHICLE. A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use.
189. RECREATIONAL VEHICLE (RV) STORAGE FACILITY. A parcel or group of contiguous parcels upon which two or more recreational vehicles, camper trailers and boats may be stored for a fee when not in use.
190. RECYCLING CENTER. A facility for the collection of large quantities of recyclable materials such as metals, glass, plastic, and paper. Such a facility shall not do processing except limited bailing, batching and sorting of materials. Recycling facilities include: bins, boxes, cans, kiosk type structures, bulk reverse vending machines, trucks, trailers, or vans. **See** Section 10-1.2735.j "Recycling Facilities" for regulations.

191. RECYCLING COLLECTION AREA. Any indoor or outdoor space allocated to collecting and loading recyclable materials to be transported to a recycling center. May include bins, boxes, cans, kiosk type structures, and reverse vending machines. See Section 10-1.2735.j "Recycling Facilities" for regulations.
192. RELIGIOUS FACILITY. Those facilities maintained by a tax-exempt religious institution, a government agency, or other non-profit organization exempt from taxation under the Internal Revenue laws as an organized system of belief in or the worship of God or gods or an institutionalized system of religious attitudes, beliefs and practices, and ancillary activities as determined by the Planning Director, and whose other functions are not indicated elsewhere in this ordinance as administrative or conditional uses.
193. RESEARCH AND DEVELOPMENT. A facility where research and on-site product creation and development is done. May also include computer centers, involving record storage and retrieval systems, data processing, and microfilming.
194. RESEARCH LABORATORY. A facility where research in a laboratory environment is done. Typically, but not always, involves the use of chemicals and heating products.
195. RESIDENTIAL NATURAL PRESERVATION DISTRICT (RNP). A land use zoning district within which topographic configuration is a major consideration in determining the most appropriate physical development of the land. This district primarily allows the development of single-family homes only where they are subservient to and compatible with the preservation of major natural features of the land. See Section 10-1.300.
196. RESIDENTIAL-OFFICE (RO). A land use zoning district which allows the mix of office land uses with residential, the scale and form of which does not detract from adjacent or future residential land use in the same zone. See Section 10-1.600.
197. RESTAURANT. Any establishment, other than a boarding house or dormitory, where food and beverages are provided for consumption on-premises or off-premises, and where typically, but not necessarily, there are tables, counters, benches, or other public seating facilities provided, or where food is taken off-premises, disposal containers are provided. Examples include a sit-down dining facility, fast-food restaurant (no drive-through window), donut shop, pizza shop, cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice cream parlor. The serving of alcoholic beverages is subject to the regulations in Section 10-1 .2735.b. of this Ordinance.
198. RESTAURANT - DRIVE-THROUGH. Any high-volume establishment serving food or beverages which utilizes a building design, site layout, or operating procedure whereby customers can drive onto the premises and remain in their vehicles while food or beverages are sold or dispensed. For regulations of drive-through restaurants see the "Drive-in Establishments-Special Standards and Conditions" contained in the Design and Performance Standards of various Sections of this Ordinance, including Sections 10-1. 800 and 1 O-1. 1000.
199. RETAIL. The sale of commodities or goods to ultimate consumers.

- 200. REVERSE VENDING MACHINES.** A mechanical device which accepts one or more types of empty beverage containers, including aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip. "Bulk reverse vending machines" are those machines which exceed fifty (50) cubic feet in size or exceed eight (8) feet in height. See Section 10-1.2735.b. "RECYCLING FACILITIES."
- 201. RIDING STABLE OR ACADEMY.** A facility where individuals board their horse(s) and or where horseback riding classes are taught. Typically includes public demonstrations, such as dressage or other equestrian events. Does not include any contest(s) resembling a rodeo (i.e., bronco riding, calf roping, and/or steer wrestling.)
- 202. RIGHT-OF-WAY.** Means a strip of land used acquired by reservation, dedication, prescription or condemnation and intended to be used or occupied by a road, trail, water line, sanitary sewer and/or other public utility services and uses, or any combination thereof, and includes all and any part of the entire width or other area of designated right-of-way, whether or not such entire width or area is actually used. Right-of-way includes access, pedestrian, equestrian and utility easements. The following sub-definitions are provided:
- (a) Public right-of-way. Means a right-of-way owned by the City or any other public entity or public utility.
  - (b) Private right-of-way. Means a right-of-way owned by and for the benefit of one or more persons, including a right-of-way offered for dedication to the City or to any other public entity which has not been accepted and which no improvements or maintenance has regularly been performed by the city or other public entity.
  - (c) Railroad right-of-way. A strip of land on which railroad tracks, spur tracks, sidings, switching equipment and signals are located, and includes the entire width or other area of the designated right-of-way, whether or not the entire width or area is actually used for such railroad facilities.
- 203. SETBACK.** The required distance that a building, structure, parking or other designated item must be located from a lot line.
- 204. SHOE REPAIR SHOP.** An establishment which repairs, shines, and polishes shoes. Typically includes machinery necessary to repair shoes, and may include retail sales of shoes.
- 205. SHOPPING CENTER.** A continuous area of land under single ownership or operated under a single direction, developed for retail and general commercial purposes, and typically has at least one major tenant and several smaller shops. Typically has driveways and parking facilities which are shared between tenants.
- 206. SIGN SHOP.** An establishment which produces general advertising signs of various shapes and sizes for sale at retail.
- 207. SINGLE FAMILY DWELLING.** See "DWELLING, SINGLE-FAMILY."

208. SINGLE-FAMILY RESIDENTIAL (RS). A land use zoning district primarily used for single-family homes where children and members of many families live as a neighborhood. See Section 10-1.200.
209. SLOPE. An inclined ground surface, the inclination of which may be expressed as a ratio of horizontal distance to a vertical distance, in degrees or as a percentage.

Slope Percentage = Rise/Run X 100 = %.

Slope Ratio = Run/Rise = (x) feet run to one foot rise = X : 1

% Grade	100%	50%	40%	33.3%	30%	25%	20%	15%	12%	10%	8%	6%
Degrees	45	26.6	21.8	18.4	16.7	14	11.3	8.5	6.8	5.7	4.6	3.4
Ratio	1:1	2:1	2.5:1	3:1	3.3:1	4:1	5:1	6.7:1	8.3:1	10:1	12.5:1	16.7:1

210. SPECIAL DESIGN OVERLAY DISTRICT (SD). A zoning overlay which promotes the conservation and compatibility of development in areas of historic or architectural character and has specific architectural requirements for new development which enhances these resources. This District is comprised of the following Subdistricts:

- (a) "B" Street Special Design Streetcar District (SD-1).
- (b) Mission Corridor Special Design District (SD-2).
- (c) Cottage Special Design District (SD-3).

211. SPECIAL LOT STANDARDS COMBINING DISTRICT (B). An overlay zone which depicts specific development standards for the zoning district it is combined with. See Section 10-1.2400.

212. SPORTING GOODS STORE. An establishment which sells sporting goods to the public at retail. Typically includes sports equipment (i.e., balls, bats, tennis rackets, golf clubs, skis and ski poles), and may include related clothing (i.e., tennis shoes for **running**, walking, basketball, etc., and sweat pants, shorts, shirts, and hats.) May also include the ancillary sale of used sporting goods.

213. STATIONARY STORE. An establishment which sells office-related products to the public at retail. Products typically includes paper products, calendars, pens and pencils, and may include small office equipment, such as filing cabinets, brief cases, and calculators. Usually includes the sale of greeting cards, wrapping paper, photo albums, picture frames, globes, maps, and other related products.

214. STORAGE. A Space or place where goods, materials and/or personal property is put for more than 24 hours. The following subdefinitions are provided:

- (a) Automobile Storage Yard, Outside storage of passenger cars and/or trucks of all sizes in excess of 10 percent of an open yard area, excluding any required yard or parking area. Does not include auto wrecking or towing yards.
- (b) Minor Open Storage. Outside storage that is accessory or ancillary to the primary or conditional use conducted on the site, which shall not exceed 10 percent of an open yard area, excluding any required yard or parking area.

- (c) Major Open Storage. Uses not conducted completely within an enclosed building, such as major outdoor storage in excess of 10 percent of an open yard area, excluding any required yard or parking area, or as determined by the Planning Director. Typically includes a construction yard where equipment and materials are stored.
  - (d) Public Storage Facility. A space or place within an enclosed building where goods, materials, and/or personal property may be put for more than 24 hours for a fee. Typically includes a manager's dwelling unit and customer parking.
  - (e) Recreational Vehicle Storage Facility. See definition # 189.
215. STORY. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement or unused under-floor space shall be considered as a story. Maximum story height shall be 13 feet.
216. STREET. A publicly maintained right-of-way for use as a public thoroughfare by the public at large, or a private street, provided said private street has been approved by the City Council.
217. STRUCTURAL ALTERATIONS. Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.
218. STRUCTURE. Anything constructed or erected, except fences not exceeding six feet in height, which requires permanent location on the ground or is attached to something having location on the ground.
219. SUBDIVISION. The division of land as regulated by the Subdivision Ordinance, Article 3, Chapter 10, of the Hayward Municipal Code.
220. SUBDISTRICT. A subcategory of a primary zoning district.
221. SUNTAN PARLOR. An establishment which provides tanning facilities for use by the public for a fee.
222. SUPERMARKET. An establishment which does retail sales of food, beverages, drugs, variety items, and similar goods. May include an automated teller machine or related financial facility.
223. TAILOR/SEAMSTRESS SHOP. An establishment which sews, alters, and/or mends clothing and costumes for the public for a fee. Typically includes sewing machines and sewing notions for use by the proprietor.
224. TANNING SALON. See "SUNTAN PARLOR."
225. TATTOO PARLOR. An establishment which provides a tattooing service to customers. May include body piercing as an ancillary use.

226. TAVERN. See "BAR, COCKTAIL LOUNGE."
227. TAXI COMPANY. An establishment which provides vehicle rides to the public for a fee. Typically includes automobile and/or van rides, for single passenger pick-ups and drop-offs. Minor automobile repair of vehicles used by the proprietor is permitted on-site (i.e., oil change, tune-ups).
228. TEMPORARY USE. A use established for a specific period of time, with the intent to discontinue the use at the end of the designated time period. Example includes retail sidewalk or tent sales.
229. THRIFT STORE. A establishment engaged in the retail sales of used or donated goods (including clothing, furniture, appliances, etc.).
230. TRAILER. A vehicle without motor power used or adaptable for living, sleeping, business or storage purposes, having no function other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. A permanent foundation shall not change its character unless the entire structure is erected and maintained in accordance with prevailing laws.
231. TOY STORE. An establishment which sells toys and games to the public at retail.
232. TRAVEL AGENCY. See "OFFICE."
233. TRUCK TERMINAL. A facility which provides a transfer, loading, and unloading point for trucks and automobiles carrying goods and products. Typically includes fuel and food facilities.
234. UPHOLSTERY SHOP. A facility which re-upholsters household furnishings of all types (i.e., couches, chairs, footstools, pillows, etc.), for a fee (does not include automobile upholstery).
235. USE. The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.
236. USE PERMIT. A land use permit termed a "discretionary entitlement" to operate a specified land use on a given parcel. Usually an activity or business. The following subcategories of use permit are provided:
- (a) Administrative Use Permit. A Use Permit issued administratively by the Planning Director or his or her appointee. An Administrative Use Permit is typically subject to exactions and conditions of approval.
  - (b) Conditional Use Permit. A Use Permit issued by the Planning Commission or City Council through a public hearing process. A Conditional Use Permit is typically subject to exactions and conditions of approval.
237. VARIANCE. A discretionary entitlement which permits the departure from the strict application of the development standards contained in this Zoning Ordinance.

238. VARIETY STORE. An establishment which provides a variety of goods to the public for sale at retail. Typically includes hair care products, a pharmacy, non-prescription drugs and hygiene products, **cleaning** supplies, toys, games, small household appliances, dishes, make-up, candy, etc.
239. VEHICLE. Means.. ..Add language !!!! The term "vehicle" as used in this section shall include an automobile or truck (excluding truck tractor or any vehicle exceeding a maximum **gross weight limit** of 6,000 pounds of gross vehicle weight) recreational vehicle, trailer, boat mounted on trailer, special interest vehicle, or other vehicle referenced in California Vehicle Code section 5051, and other vehicles of similar kind and use. In all zoning districts, use of any kind of vehicle as defined herein for sleeping purposes shall be prohibited except within an approved mobile home park.
240. VEHICLE RENTAL. See "AUTOMOBILE RENTAL."
241. VEHICLE REPAIR. See "AUTOMOBILE REPAIR."
242. VEHICLE SALES. See "AUTOMOBILE SALES"
243. VEHICLE SERVICING. For vehicle servicing such as same-day lube, oil, and filter, see "Automobile Repair - Minor." For major vehicle repairs such as engine overhauls, vehicle upholstery, auto glass, mufflers, etc., see "Automobile Repair Major."
244. VIDEO SALES AND RENTAL STORE. An establishment which sells at retail and/or rents video tapes to the public.
245. WAREHOUSE. A facility where goods are stored. Typically, items are stored and awaiting distribution to an off-site wholesale and/or retail facility. Does not include public storage facilities (also "DISTRIBUTION FACILITY. ")
246. WHOLESALE ESTABLISHMENT. The sale of commodities and goods to an establishment for resale to the consumer.
247. WIND ENERGY CONVERSION SYSTEM. A machine that converts the kinetic energy in the wind into a usable form. A wind energy conversion system is commonly known as a windmill or wind turbine, and includes all parts of the system including the tower and the transmission equipment.
248. YARD. The word "yard" shall mean an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided herein. A yard extends along a lot line or official plan line to a depth or width specified in the yard regulations for the District in which such lot is located.
- (a) Front Yard. A yard extending along the full length of the front lot line between the side lot lines, except for flag-shaped lots where yard areas shall be calculated excluding the stem of the lot, and the front yard shall be parallel to the right-of-way unless determined otherwise by the Planning Director. **The** developer of a corner parcel may select as the front yard property facing either of the two rights-of-way at the time of initial development of the property.

- (b) Rear Yard. A yard extending along the full length of the rear lot line between the side lot lines of an interior lot. The rear yard of a corner parcel shall be determined by the Planning Director and shall be opposite either of the two rights-of-way.
- (c) Side Yard. A yard extending along a side lot line from the front yard to the rear yard, or from the front lot line to the rear yard where no front yard is required. In determining side yards based on a percentage of lot width where the lot is irregular in shape, the width shall be determined by calculating the lot width at a point of 20 feet from the front property line.
- (d) Side Street Yard. A yard extending along a lot line, other than a front, rear, or interior side line, between the front yard and a side or rear lot line. The developer of a corner parcel may select the side street yard from property facing either of the two rights-of-way.

APPENDIX “B” ZONING MAPS



## APPENDIX "C" ADOPTED ORDINANCE DATES

ORDINANCE NO. 84-033 C.S.; ADOPTED DECEMBER 11, 1984

***AMENDED BY:***

ORDINANCE NO. 85-010 C.S.	Adopted March 19, 1985
ORDINANCE NO. 85-019 C.S.	Adopted August 6, 1985
ORDINANCE NO. 86-014 C.S.	Adopted April 22, 1986
ORDINANCE NO. 86-025 C.S.	Adopted August 5, 1986
ORDINANCE NO. 87-008 C.S.	Adopted April 21, 1987
ORDINANCE NO. 87-031 C.S.	Adopted November 10, 1987
ORDINANCE NO. 88-013 C.S.	Adopted April 5, 1988
ORDINANCE NO. 88-017 C.S.	Adopted July 5, 1988
ORDINANCE NO. 88-025 C.S.	Adopted November 15, 1988
ORDINANCE NO. 89-002 C.S.	Adopted January 10, 1989
ORDINANCE NO. 89-007 C.S.	Adopted March 7, 1989
ORDINANCE NO. 89-008 C.S.	Adopted March 7, 1989
ORDINANCE NO. 89-009 C.S.	Adopted March 7, 1989
ORDINANCE NO. 89-010 C.S.	Adopted March 7, 1989
ORDINANCE NO. 89-012 C.S.	Adopted March 7, 1989
ORDINANCE NO. 89-013 C.S.	Adopted March 7, 1989
ORDINANCE NO. 89-024 C.S.	Adopted May 16, 1989
ORDINANCE NO. 89-043 C.S.	Adopted August 31, 1989
ORDINANCE NO. 90-08 C.S.	Adopted March 13, 1990
ORDINANCE NO. 91-30	Adopted December 17, 1991
ORDINANCE NO. 92-02	Adopted January 7, 1992
ORDINANCE NO. 92-07	Adopted April 28, 1992
ORDINANCE NO. 92-17	Adopted July 7, 1992
ORDINANCE NO. 92-24	Adopted July 28, 1992
ORDINANCE NO. 92-25	Adopted July 28, 1992

ORDINANCE NO. 93-12; ADOPTED MAY 4, 1993

***AMENDED BY:***

ORDINANCE NO. 93-15	Adopted June 1, 1993
ORDINANCE NO. 93-16	Adopted June 8, 1993
ORDINANCE NO. 93-19	Adopted July 27, 1993
ORDINANCE NO. 93-29	Adopted December 14, 1993
ORDINANCE NO. 94-19	Adopted July 26, 1994
ORDINANCE NO. 95-02	Adopted January 10, 1995
ORDINANCE NO. 95-13	Adopted June 6, 1995

ORDINANCE NO. 98-\_\_ ; ADOPTED \_\_\_\_\_

5

5

5